

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF APRIL 9 - 10, 2014  
SOUTH LAKE TAHOE**

**ITEM:** 11

**SUBJECT:** **ADOPTION OF A REGIONWIDE CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR WASTE DISCHARGES RESULTING FROM TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES IN THE LAHONTAN REGION (2014 TIMBER WAIVER) AND INCLUDED EXEMPTION TO WASTE DISCHARGE PROHIBITIONS CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN)**

**CHRONOLOGY:**

January 2003	Water Board adopted initial Timber Waiver
February 2007	Water Board renewed the Timber Waiver
May 2009	Water Board updated the Timber Waiver in response to the 2007 Angora Wildfire
November 2013	Water Board staff presented a status update on issues and approaches for renewing the 2009 Timber Waiver

**ISSUES:** Should the Water Board adopt the Proposed 2014 Timber Waiver which includes a Basin Plan Prohibition Exemption to allow limited piling and burning of slash within Lake Tahoe Basin Stream Environment Zones (SEZs)?

**DISCUSSION:** The 2009 Timber Waiver expires in May 2014. Draft changes to the 2009 Timber Waiver were developed to correct errata, remove redundancy, clarify requirements, simplify and streamline process, and change detailed prescriptive requirements to outcome-based requirements, which reflect recent scientific studies and operational experience since 2003.

The primary change in the proposed 2014 Timber Waiver is a shift from a prescriptive to an outcome based approach in regulating timber harvest and vegetation management activities in the Lahontan Region. These changes are related to soil operability for mechanized equipment, and to vegetative recovery of burn scars that result from slash piling and burning in Lake Tahoe Basin SEZs.

The 2009 Timber Waiver was prescriptive in requiring that mechanized equipment use in SEZs and waterbody buffer zones be limited to times when soils were dry to a twelve inch depth, as determined by a natural resource specialist evaluating the cohesiveness of the soils. Experience gained during the tenure of the 2009 Timber Waiver has shown this approach to be subjective, labor intensive, and highly variable within treatment units as aspect and topography change. The proposed performance based approach will use a visually observed rutting standard to determine whether mechanized equipment operations must cease. Mechanized equipment operating on excessively wet soils sink into the soils and create deep ruts.

The 2009 Timber Waiver and its previous versions did not address the vegetative recovery of burn scars. The potential water quality impacts from pile burning in riparian areas are on riparian function and the vegetation and soils' ability to infiltrate, attenuate, and mitigate storm water runoff. Replacing the prescriptive requirements with outcome-based requirements increases the operational flexibility for project implementers by focusing on the result of the burning rather than on how the burn is conducted. The other significant change is the incorporation of a Basin Plan prohibition exemption for burning slash piles within certain areas provided the activities follow a set of prescriptive and outcome-based requirements.

To streamline the data compilation, evaluation, and comparison across various projects, the waiver's monitoring and reporting program was modified to be consistent for all enrollees. Monitoring forms were also changed to address the outcome-based approach for soil operability and burn scar recovery.

The Tentative 2014 Timber Waiver was circulated for a 30-day public comment period from January 24, 2014 through February 24, 2014. The Tentative draft documents can be accessed at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/2014/april/timber/availforcmnts.pdf](http://www.waterboards.ca.gov/lahontan/board_info/agenda/2014/april/timber/availforcmnts.pdf). The Water Board received five comment letters on the Tentative Timber Waiver. These comment letters and staff responses to the comments are included as Enclosure 2.

Based on input received the public outreach sessions held in Bishop, South Lake Tahoe, and Susanville, and in written comments received, changes were made to the tentative draft and are now reflected in the Proposed 2014 Timber Waiver (Enclosure 1). The most significant changes were made to Attachment Q,

which specifies requirements for piling and burning in riparian areas. Many prescriptive design feature requirements were replaced with outcome-based requirements that focus on vegetation recovery of the burn scar. Simplified checklist and narrative sections about prescribed burns and burn scar vegetation recovery were added to the Category 6 application form and monitoring and reporting forms.

The Proposed 2014 Timber Waiver and its 16 Attachments were released for public review on March 14, 2014. In that public posting, Water Board staff requested that all subsequent comments be focused on the changes between the Proposed and Tentative versions.

Enclosure 3 is proposed to be added to the environmental document originally prepared for the adoption of the 2009 Timber Waiver. Enclosure 4 is the 2009 mitigated negative declaration which the Water Board adopted in conjunction with the 2009 Timber Waiver adoption. The addendum is needed to add clarifying text, correct minor errors, reflect the proposed changes from prescriptions to outcome-based requirements, and to reflect factual updates. The Water Board must consider the addendum in its decision on the Proposed 2014 Timber Waiver, and is not required to take a separate action on the addendum.

The proposed changes to the 2009 Timber Waiver could not have been possible without the valuable input received from the public and project implementers. The Proposed 2014 Timber Waiver is intended to be a significant improvement over the 2009 Timber Waiver by streamlining processes and focusing on the outcomes of the operations while continuing to provide protection for water quality.

**RECOMMEN-  
DATION:**

Adoption of the Resolution as proposed.

**ENCLOSURES:**

(see table on next page)

<b>ENCLOSURE</b>	<b>ITEM</b>	<b>Bates Number</b>
<b>1</b>	Proposed 2014 Timber Waiver	<b>11-7</b>
	Attachment A, Definitions	<b>11-41</b>
	Attachment B, Waterbody Buffer Zones	<b>11-53</b>
	Attachment C, Category 4 Application Form	<b>11-59</b>
	Attachment D, Category 4 Implementation Monitoring Form	<b>11-69</b>
	Attachment E, Categories 4 & 6 Winter Monitoring Checklist	<b>11-75</b>
	Attachment F, Category 5 Application Form	<b>11-79</b>
	Attachment G, Categories 5 & 6 Fall Implementation Monitoring Form	<b>11-85</b>
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	Attachment I, Categories 5 & 6 Forensic Monitoring Form	<b>11-97</b>
	Attachment J, Categories 5 & 6 Effectiveness Monitoring Form	<b>11-109</b>
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	Attachment L, Photo-Point Monitoring Forms	<b>11-127</b>
	Attachment M, Notice of Activity Compliance Form	<b>11-133</b>
	Attachment N, Waste Discharge Prohibition Exemption Information	<b>11-137</b>
Attachment P, Summary Table of Monitoring and Reporting Program Requirements	<b>11-151</b>	
Attachment Q, Requirements for Piling and Burning in SEZ and Waterbody Buffer Zones	<b>11-155</b>	
<b>2</b>	Public comment letters and staff responses	<b>11-161</b>
<b>3</b>	2014 Timber Waiver CEQA Addendum	<b>11-185</b>
<b>4</b>	2009 mitigated negative declaration	<b>11-197</b>

# **ENCLOSURE 1**

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

BOARD ORDER NO. R6T-2014-00XX

**CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS**

**FOR**

**WASTE DISCHARGES RESULTING FROM  
TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES  
IN THE LAHONTAN REGION  
"2014 TIMBER WAIVER"**

Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, Mono, Inyo,  
\_\_\_\_\_ San Bernardino, Kern, and Los Angeles Counties \_\_\_\_\_

**CONTENTS**

- Section A: Findings.** Provides the legal and factual basis for the Timber Waiver.
- Section B: General Provisions.** Statements regarding waiver applicability, waiver effective and expiration dates, and liability.
- Section C: General Conditions.** Conditions that apply to projects regulated by this Timber Waiver.
- Section D: Timber Waiver Categories.** Category-specific eligibility criteria and conditions for activities regulated by this Timber Waiver.
1. Defensible space and construction activities
  2. Hand crew operations
  3. Post fire rehabilitation
  4. Activities that rely on existing roads & meet 11 criteria
  5. CAL FIRE-approved plans
  6. Activities that do not qualify for Categories 1 - 5
- Section E: Certification.** Statement of certification by the Executive Officer.
- List of Attachments** – Definitions, applications, monitoring and reporting forms

**A. FINDINGS**

WHEREAS the California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. California Water Code (Water Code) section 13260, subdivision (a) requires that any person (hereby referred to as "enrollee") discharging waste or proposing to discharge waste as defined by Water Code section 13050 (including but not limited to waste earthen and organic materials) that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate Water Board a report of waste discharge containing information that may be required by the Water Board. Only persons proposing timber harvest and/or vegetation management activities that may potentially result in a discharge or threatened discharge of waste to waters of the state are subject to regulation by the Water

Board and coverage under this waiver of waste discharge requirements (and waiver of the requirement to file a report of waste discharge) or file a report of waste discharge pursuant to Water Code section 13260.

- The Water Board has identified wastes associated with timber harvest and vegetation management activities (as defined in Attachment A) as having a potential effect on water quality. These vegetation management activities have the potential to effect water quality by causing soil to discharge to a waterbody, slump or erode by wind, or be compacted or deformed which limits the soil’s ability to infiltrate or filter runoff. Activities eligible for this Timber Waiver range from fuel reduction work conducted around existing structures to commercial timber harvest and vary in potential threat to water quality. For example, project characteristics such as method of tree removal, intensity and proximity of activities to surface waters, and the sensitivity of the area will influence the mitigation measures needed to ensure the activity will have a less-than-significant impact on water quality and the environment. The types of activities that are eligible for this Timber Waiver have been divided into six categories to address the diversity of activities and the associated conditions. Segregating these activities into categories is intended to assist enrollees in identifying eligibility criteria and conditions that apply to their particular activity. Table 1 summarizes the six categories of activities eligible for the Timber Waiver.

**Table 1: Summary of Timber Harvest and Vegetation Management Activity**

**Categories.** Please note that this table supplies only a brief summary of the eligibility criteria, conditions, and requirements of each category, please refer to Section D. Timber Waiver Categories (pages 15-31) for more complete information. For a summary and timeline of the monitoring and reporting required for Categories 4, 5, and 6 please review Attachment P.

Category	Type of timber harvest and vegetation management activities	Notification, application, and monitoring requirements	Application processing timeline
1	Activities associated with defensible space, defense zone, forest fire prevention, and construction activities	No notification, application or monitoring.	None
2	Activities conducted by hand crews, including limited prescribed fire inside Waterbody Buffer Zones		
3	Planned post fire rehabilitation		

Category	Type of timber harvest and vegetation management activities	Notification, application, and monitoring requirements	Application processing timeline
4	Activities that rely on existing roads, meet 11 criteria, limited prescribed fire inside Waterbody Buffer Zones, and may include winter period operations	Application, implementation monitoring and reporting, and Project Completion Form submittals required. Winter monitoring required if equipment is operated during the winter period.	Work may begin upon receipt of application by Water Board.
5	CAL FIRE – approved Timber Harvest Plan, Non-Industrial Timber Management Plans, or other CAL FIRE Plans	Application, monitoring and reporting, and Project Completion Form submittals required.	
6	Activities that do not qualify for categories 1-5, and may include activities within 100-year floodplains or Stream Environment Zones	Application, monitoring and reporting, and Project Completion Form submittals required	Application submitted at least <b>30 days</b> before beginning work.

3. The provisions of Water Code section 13260, subdivisions (a) and (c); section 13263, subdivision (a); or section 13264 subdivision (a) may be waived by the Water Board pursuant to Water Code section 13269 for a specific type of discharge if the Water Board determines, after any necessary meeting, that the waiver is consistent with the Water Quality Control Plan for the Lahontan Region (Basin Plan) and is in the public interest.
4. Water Code section 13269 includes the following provisions:
  - (a) The waiver may not exceed five years in duration, but may be renewed by the Water Board at any time;
  - (b) The waiver shall be conditional and may be terminated at any time by the Water Board;
  - (c) The conditions of the waiver shall include the performance of agency, individual, group, or watershed-based monitoring, unless waived because the Water Board determines that the discharges do not pose a significant threat to water quality;
  - (d) Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions;

- (e) In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based compliance and effectiveness monitoring efforts; the size of the project area; and other relevant factors;
  - (f) Monitoring results shall be made available to the public; and
  - (g) The Water Board may include as a condition of a waiver the payment of an annual fee established by the State Water Resources Control Board (State Water Board). (At the time of adoption of this Timber Waiver, CA Assembly Bill 1492 precludes the charging of fees for regulation of timber harvest and vegetation management activities).
5. The Lahontan Regional Water Quality Control Board (Water Board) acknowledges the State Water Resources Control Board (State Board) and the USDA Forest Service signed a Management Agency Agreement in 1981 that recognized the USDA Forest Service as a water quality management agency for its lands. The Water Board is aware of the potential for the development of a statewide regulatory action by the State Water Board for vegetation management and other activities on National Forest lands. If, during the period that this Lahontan 2014 Timber Waiver is in effect, the State Board adopts a new statewide regulatory action for vegetation management, then the Water Board will consider revisions to the Timber Waiver consistent with the adopted provisions.
6. The Basin Plan contains water quality standards and implementation measures for specific watersheds. Because of the high quality waters found in the Lahontan Region, additional conditions beyond current state and federal forestry-related regulations are included in this waiver to ensure protection of water quality and compliance with the Basin Plan. In the Lake Tahoe, Little Truckee River, and Truckee River Hydrologic Units (HUs), the Water Board adopted waste discharge prohibitions to limit soil erosion and sediment delivery in and around surface waters and their associated floodplains and Lake Tahoe Stream Environment Zones (SEZs). The Water Board has identified extremely fine sediment (less than 16 micrometers in size) to be the primary cause of clarity loss in Lake Tahoe and the US EPA adopted a Total Maximum Daily Load (TMDL) for sediment and nutrient discharges to Lake Tahoe in August 2011. The US EPA adopted a TMDL for sediment discharge to the Truckee River in September 2009 focusing on controlling sediment from roads and land disturbances. Therefore, this waiver adds additional conditions and requirements within the Lake Tahoe, Little Truckee River, and Truckee River HUs to ensure compliance with the Basin Plan.
7. Soil compaction and deformation depends upon soil moisture content, soil characteristics, organic content within the soil, and compaction forces. Geotechnical Engineers, when striving to achieve compacted soils for construction purposes, have developed the term "optimum moisture content by weight" to describe the moisture level at which soils are most conducive to being compacted. Soil that lacks sufficient moisture, below the soil's optimum moisture content by weight, is less susceptible to being compacted to that soil's maximum dry density. Soils with a high organic

content are less susceptible to compaction. Repeated heavy traffic produces additive forces that can compact a soil. Soil that contains moisture at its optimum moisture content by weight is highly susceptible to compaction. Soils at or above optimum moisture content will commonly exhibit wheel or track ruts that are typically deeper than about two to three inches. Soil with more moisture than its optimum is highly susceptible to deformation and this can be observed when heavy equipment operates in those areas and either deep ruts (>3 inches) form or the soils deflect under the weight and are observed to “pump”. The deflection or “pumping” is from the excess water content in the soil. Optimum soil moisture is specific to each soil type and the moisture content within the soil depends on many factors, including precipitation, snowmelt, runoff, organic content, and groundwater levels. Operable soil conditions are defined in Attachment A, and must be restricted to times when the soil lacks sufficient moisture, below the soil’s optimum moisture content to protect water quality.

8. The Water Board recognizes the need statewide to address the current and growing threat of catastrophic wildfire and impacts from climate change. Efforts are underway on a statewide basis to study and address climate change and its effects on forest health. Decades of fire suppression have resulted in unhealthy forests with thick stands of trees and vegetation that require thinning, and in some cases, prescribed fire. Many of these activities need to occur in areas adjacent to waterbodies where there is a higher potential to adversely impact water quality than if the same activity was to occur away from a waterbody. Limited quantitative information about site specific effects of certain timber harvest and vegetation management activities conducted in these areas are known. On the other hand, the water quality effects from wildfire in these areas can be significant and, to some extent, may be estimated based on fire intensity and predicted hydrology. Extensive research has been conducted that supports the efficacy of proactive fuel treatments in limiting the intensity and environmental impacts of wildfires.

The Water Board also recognizes the need to actively manage forests to protect and preserve forest health. Aspen is considered a keystone species in the montane zone of the Sierra Nevada Range, as aspen communities are critical for maintaining biodiversity in western landscapes. Concerns exist related to the observed decline in the health and distribution of aspen stands throughout this area. In order to prevent the replacement of aspens by conifers in the Sierra Nevada, active management will be required. Thinning conifers in riparian areas has been shown to stimulate aspen suckering, and it is hoped that this prescription will result in improved health and distribution of aspen stands within the Sierra Nevada region.

The Water Board recognizes a need for more information on the impacts and appropriate mitigation measures for new and innovative vegetation management activities, including but not limited to, aspen stand restoration/regeneration and equipment use and pile burning within riparian areas. On May 14, 2009, the Water Board adopted the Conditional Waiver of Waste Discharge Requirements for Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Resolution No. R6T-2009-0029; 2009 Timber Waiver), which allowed

research and demonstration activities to be conducted in sensitive areas in order to find out more information on the impacts and appropriate mitigation measures for the new and innovative vegetation management practices. The Water Board is allowing these innovative activities to continue under this waiver, and to ensure these innovative activities do not cause a potentially significant effect on the environment, Water Board directs its staff to:

- (a) Impose additional monitoring, such as quantitative monitoring of impacts to soils (compaction, infiltration rate, etc.), ground cover inventories, vegetation recovery, or water quality analysis (see Conditions 5 and 6 of Category 6);
  - (b) Ensure plans include appropriate design features to prevent or limit impacts to water quality;
  - (c) Impose specific environmental triggers or thresholds that must not be exceeded during implementation;
  - (d) Ensure plans contain specific management response(s) in the event that triggers or thresholds are reached;
  - (e) Consider the need to require the project proponent to submit the proposal for external peer review in order to evaluate the appropriateness of the proposed research or demonstration project implementation or analysis; and
  - (f) Notify the public of projects requiring a prohibition exemption a minimum of ten days before such an exemption and coverage under this waiver is considered by the Executive Officer, except for prohibition exemptions which are granted as part of this Timber Waiver (Attachment N).
9. During the term of the 2009 Timber Waiver, the Water Board found that the results of the USFS-Lake Tahoe Basin Management Unit Heavenly Valley Creek Stream Environment Zone Demonstration Project (USFS-LTBMU, 2008) provided sufficient evidence that the operation in the SEZ of cut-to-length (CTL) equipment with ground pressures less than 13 pounds per square inch (psi) did not result in the permanent disturbance of soils, and therefore there was a low risk of the soils discharging to a waterbody via runoff, slumping, or wind erosion. These results are sufficient for allowing future activities using this equipment on similar soils to proceed without requiring a Basin Plan prohibition exemption when monitoring to verify operable soil conditions occurs. Additionally, the results will be considered sufficient for use of the same or similar low ground pressure equipment under comparable conditions elsewhere in the Lahontan Region.
10. Hand-thinning operations within SEZs and other sensitive areas result in a large volume of material (also referred to as slash), which poses a challenge in being removed efficiently in a manner that causes the least disturbance to the sensitive area. The practice of using hand crews to pile and burn slash can be an effective and efficient method for reducing the fuel load in those sensitive areas. Hand thinning crews are the least disruptive to the sensitive area soils as compared to operating mechanized equipment, which has the potential to disturb sensitive soils and vegetation. The 2009 Timber Waiver determined that creating certain-sized slash piles that cover no more than 30% acre in the SEZ, and that burning up to half of those piles (i.e., piles covering up to 15% of the SEZ area) in any given year,

creates a less than significant impact to the resources. Building and burning small piles of this slash in situ within the SEZs is an effective way to remove the fire danger from these sensitive locations; however, this practice often leaves burn scars in which the unique soil functions may be lost and exposes the bare soil to re-colonization by invasive species and potential erosion problems. The 2009 Timber Waiver did not specify a performance standard for vegetative recovery of the burn scar in the SEZ; rather it specified that slash piles not exceed ten feet diameter by five feet high. Research has since shown that the size of the material in the burn pile has more influence on the intensity of the soil impacts than the size of the pile itself, so the pile size specification in the 2009 Timber Waiver is being replaced with a requirement that burn scars show vegetative recovery within two growing seasons.

This Timber Waiver modifies the 2009 Waiver by requiring project implementers to ensure that burn scars show vegetative recovery prior to allowing additional slash pile burning in that acres of the SEZ. Pile burning appears to have a moderate (impacting water repellency and porosity) to severe (impacting infiltration and the native plant community) effect on the physical properties of soils. Research has also shown that soil bacteria and fungal mycelium, along with their nutrient-cycling processes, may be impacted at relatively low temperatures; additionally, carbon and nitrogen may be increased and liberated. Individually monitoring each pile, post-burn, to determine whether the specific soil functions unique to these environments have been impacted is impractical. Monitoring of vegetative recovery within these burn scars to ensure the soil functionality has not been impacted, and is being restored, is more practical. There currently exists little literature regarding what is an acceptable percentage of vegetation colonization in order for vegetative recovery to be considered successful.

Vegetative recovery of burn pile scars can be sped up with actions either before or after the pile is burned. Research has shown that by raking off the organic duff (surface) layer from the area the pile is to be built upon, and raking back this duff post-burn restores resilience and greatly increases recovery of soil functionality within a relatively short time frame. Raking the duff into a pile along the downhill side of the burn pile may also act as a deterrent to any potential erosion. Raking the duff back increases roughness, encouraging re-colonization and assisting infiltration. Raking native plant seeds into the burn scar soil can speed up the time to vegetative recovery.

11. This Timber Waiver allows pile burning within Waterbody Buffer Zones (WBBZs) and SEZs if the projects meet the requirements of Attachment Q, "Required Management Actions for Pile Burning within Waterbody Buffer Zones and Stream Environment Zones Under Timber Waiver Category 6." Enrollees under the 2009 Timber Waiver who proposed slash piling and burning within SEZs were required to provide Water Board staff with the information necessary to justify a Basin Plan prohibition exemption and wait for a 10-day public review and comment period prior to the Water Board's Executive Officer granting an exemption to proceed. The granting of project level Basin Plan prohibition exemptions under this process was repeatedly done during the term of the 2009 Timber Waiver without public concern or significant environmental impact being

identified. In the interest of streamlining the permitting process for hand-thinning activities within SEZs, and based on the information provided in Finding #9, above, this Timber Waiver includes conditional Basin Plan Prohibition Exemption coverage for limited slash piling and burning within SEZs (Attachment N).

12. Pursuant to Water Code section 13269, subdivision (a)(3), the Water Board may waive monitoring requirements for discharges that it determines do not pose a significant threat to water quality.

(a) For projects conducted under the criteria and conditions of Category 1, which are set forth in Section D, the Water Board waives monitoring requirements. Category 1 covers only those activities:

- i. conducted near structures, or in or near areas zoned as residential, commercial or industrial. The Water Board finds that these activities do not pose a significant threat to water quality due to their limited scale and typical location and adherence to Category 1 eligibility criteria and conditions;
- ii. conducted under a Forest Fire Prevention Exemption issued by the California Department of Forestry and Fire Protection (CAL FIRE) pursuant to California Code of Regulations (CCR), title 14, section 1038, subdivision (i). The Water Board finds that these activities do not pose a significant threat to water quality because of the CAL FIRE requirements that limit the scale of these activities and adherence to Category 1 eligibility criteria and conditions which also limits these activities; or
- iii. conducted under a Dead, Dying, Diseased Exemption issued by CAL FIRE pursuant to California CCR, title 14, section 1038 (b) without exceptions to 1038 (b) condition nos. 6 or 9. The Water Board finds that these activities do not pose a significant threat to water quality because of the CAL FIRE requirements and adherence to Category 1 eligibility criteria and conditions.

(b) For projects conducted under the criteria and conditions of Category 2, which are set forth in Section D, the Water Board waives monitoring requirements. Category 2 covers only those activities that are conducted by hand crews and low-ground-pressure chippers, brush mowers, or similar equipment for onsite processing of materials cut by hand crews. The Water Board finds activities that comply with the criteria and conditions for Category 2 set forth in Section D do not pose a significant threat to water quality.

(c) For projects conducted under the criteria and conditions of Category 3, which are set forth in Section D, the Water Board waives monitoring requirements. Category 3 applies only to those activities conducted for post-wildfire rehabilitation, and covers activities to minimize threats to life, property, water quality, and natural and cultural resources. These activities are either limited in scope or specifically intended to control erosion and sedimentation. The Water Board finds activities conducted under Category 3 do not pose a significant threat to water quality.

13. Between 1988 and 2003, the Water Board waived waste discharge requirements for timber harvest activities operating under approved CAL FIRE Timber Harvesting Plans or federal timber sales, according to Resolution No. 6-88-18, Waiver for Waste Discharge Requirements for Specific Types of Discharges. In 2003, after a legislatively-imposed expiration of Resolution No. 6-88-18, the Water Board adopted the initial Timber Waiver. Subsequent Timber Waivers were adopted in accordance with the requirements of Water Code section 13269, which stipulated that waivers be limited to five years in duration. Those waivers were adopted in 2007 and 2009. Following the 2007 Angora fire in South Lake Tahoe, the Water Board adopted Resolution R6T-2009-0029 (the 2009 Timber Waiver), revising R6T-2007-0008 (the 2007 Timber Waiver). This early revision was done in response to the May 2008 Proclamation by the Governor of California encouraging the Water Board to consider recommendations made by the California-Nevada Tahoe Basin Fire Commission to implement actions to improve planning and streamline regulatory processes for fuel reduction activities.

The Water Board is considering a revised Timber Waiver at this time to address:

- (a) The five-year time limit imposed by Water Code section 13269;
- (b) Sections of the R6T-2009-0029 that have been identified by Water Board staff as vague, duplicative, unnecessarily burdensome to staff or operators, or outdated due to recent scientific research; and
- (c) Specific requests made by the Water Board and regulated public and agencies concerning operable soil conditions off roads, slash piling and burning in Lake Tahoe SEZs, and the Monitoring and Reporting Program.

14. Certain terms used in this Timber Waiver have a specific, regulatory definition. The definition of these terms as listed in Attachment A may differ from common, dictionary definitions. All other terms shall have the same definitions as prescribed by the California Forest Practice Rules (FPRs) (CCR, title 14, section 895.1 et seq.), California Public Resources Code (PRC) section 4528, subdivision (f), and the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.). Definitions contained in Water Code section 13050(d) controls for the purpose of the Timber Waiver.

15. As defined in Attachment A, "Enrollee" means the landowner(s), any duly authorized representative of the landowner(s), and anyone working on behalf of the landowner(s) in the conduct of timber harvest and vegetation management. Enrollee includes any "person" as that term is defined by Water Code section 13050, subdivision (c).

16. The Water Board adopted the Basin Plan that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the state and waste discharges to waters of the state within the Lahontan Region. The Basin Plan contains water quality objectives developed to protect the waters for the listed beneficial uses. The factors in Water Code section 13241, including economic considerations, were considered as required during the development

of water quality objectives. Prohibitions, provisions, and conditions contained in this Timber Waiver implement these previously developed water quality objectives. Compliance with water quality objectives will protect the waters for beneficial uses as identified in the Basin Plan.

17. State Water Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintenance of High Quality Waters in California") requires that the Water Board regulate discharges of waste to waters of the state to protect existing high quality waters and achieve the highest water quality consistent with maximum benefit to the people of the state. It further requires that dischargers meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the state will be maintained. This Timber Waiver is consistent with Resolution No. 68-16 because it requires compliance with applicable water quality control plans, including applicable water quality objectives, prohibits the creation of pollution or nuisance, and sets forth conditions that require the implementation of additional management practices (in addition to those required in the FPRs [CCR, title 14, section 895.1 et seq] and U.S. Forest Service Best Management Practices guidance manuals) to assure protection of beneficial uses of waters of the state and maintenance of the highest water quality consistent with maximum benefit to the people of the state.
18. The Timber Waiver is consistent with the Basin Plan and is in the public interest as described below.
  - (a) Compliance with the conditions of the Timber Waiver will result in protection of water quality.
  - (b) Without the Timber Waiver, dischargers would be required to submit a report of waste discharge and wait for up to 140 days for the Water Board to prescribe individual waste discharge requirements. Due to limited staff resources, the Water Board would be unable to prescribe requirements in every case, allowing activities to move forward after a lengthy delay without Water Board permit. The Timber Waiver is a regulatory option imposing enforceable conditions that can be used by the Water Board to address a greater percentage of timber harvest activities, while allowing limited resources to be directed to the activities with greatest water quality risk.
  - (c) Forest fuel hazard reduction efforts have increased statewide to address the current and growing fire threat from decades of fire suppression. This revised Timber Waiver continues to respond to the need for expedited permitting for lower-impact fuels hazard reduction and forest enhancement activities, while still maintaining water quality protection through conditions and a monitoring program (under certain circumstances) described in the attachments. This approach balances the need to reduce fire risk quickly while ensuring appropriate management practices and mitigation for water quality impacts are still implemented.
  - (d) The Timber Waiver contains conditions requiring compliance with monitoring and reporting programs for some categories of activities based on the level of potential

threat to water quality pursuant to Water Code section 13267, subdivision (b)(1). The required monitoring will assist in the protection of water quality and in the verification of the adequacy and effectiveness of Timber Waiver conditions pursuant to Water Code section 13269, subdivision (a)(3).

- (e) The Timber Waiver contains conditions that require compliance with the Basin Plan.
- (f) The Timber Waiver prohibits the creation of pollution, contamination or nuisance as defined in Water Code section 13050.
- (g) Violations of Timber Waiver conditions are subject to enforcement remedies including, but not limited to Water Code section 13350 in the same manner as enforcement of waste discharge requirements.
- (h) Water Board staff will continue to participate in the pre-harvest review of proposed timber activities under the FPRs. This provides a process for the incorporation of water quality protective measures into Timber Harvest Plans beyond those required by the FPRs.

19. This Timber Waiver shall not create a vested right to discharge waste and all such discharges shall be considered a privilege, as provided for in Water Code section 13263, subdivision (g). The Water Board Executive Officer may terminate the applicability of the Timber Waiver described herein to any activity at any time when such termination is in the public interest and/or the activity could affect the quality of waters of the state for beneficial uses.

20. On May 14, 2009, the Water Board adopted a mitigated negative declaration in conjunction with the adoption of the 2009 Timber Waiver, in accordance with section 15072 of the CEQA Guidelines (CCR, title 14, section 15000 et seq.), determining there will be no significant adverse impacts to the environment from waiving waste discharge requirements for the categories of activities specified within the 2009 Timber Waiver ("2009 Mitigated Negative Declaration," SCH No. 2009012005). The Regional Board has reviewed that 2009 Mitigated Negative Declaration and has determined, in light of recent research and proposed updates to the 2009 Timber Waiver, that none of the conditions set forth in section 15162 of the CEQA Guidelines calling for the preparation of a supplement EIR or negative declaration have occurred. These findings are supported in an addendum prepared by the Regional Board. Both the 2009 Mitigated Negative Declaration and the addendum reflect the Regional Board's independent judgment and analysis, which concludes that with the implementation of mitigation, which have been incorporated into the requirements of this Timber Waiver, no significant adverse impacts will occur from the adoption of this Timber Waiver. The Regional Water Board will file a Notice of Determination within five days from the issuance of this order.

21. The Water Board held a public hearing on April XX, 2014, in South Lake Tahoe, California, and considered all evidence concerning this matter.

**IT IS HEREBY ORDERED** that in order to be enrolled under this Timber Waiver, an enrollee must meet applicable eligibility criteria and requirements for that category of

activities covered by this Waiver, including the General Provisions and all applicable general and category-specific conditions of this Timber Waiver, as set forth below.

**B. GENERAL PROVISIONS**

1. Pursuant to Water Code section 13269, subdivision (a), the Water Board waives requirements to submit reports of waste discharge and obtain waste discharge requirements for persons proposing or conducting activities which meet the eligibility criteria and comply with the conditions and general provisions set forth in this Timber Waiver.
2. The Water Board anticipates that most activities will proceed under a single category of the Timber Waiver. However, if a project is phased, or divided geographically, such that portions qualify under Category 1, 2, or 3; and other portions qualify under Category 4, 5, or 6; the enrollee has the option of enrolling such phases or portions under different categories. Water Board notification is only required for the portions of projects or activities that qualify under Category 4, 5, or 6.
3. The Water Board does not waive the filing of a report of waste discharge or waive waste discharge requirements for persons proposing projects that include activities with impacts that are not mitigated to less-than-significant levels, such as those identified in a CEQA environmental impact report, or a National Environmental Policy Act (NEPA) or Tahoe Regional Planning Agency (TRPA) environmental impact statement. Not all timber harvest and vegetation management activities proposed in the Lahontan Region will be eligible for this Timber Waiver. Enrollees proposing activities that are not eligible for this Timber Waiver must file a report of waste discharge with the Water Board pursuant to Water Code section 13260.
4. This Timber Waiver shall not create a vested right to discharge waste and all such discharges shall be considered a privilege, as provided for in Water Code section 13263, subdivision (g). The Water Board Executive Officer may terminate the applicability of the Timber Waiver described herein to any activity at any time when such termination is in the public interest and/or the activity could affect the quality of waters of the state for beneficial uses.
5. This Timber Waiver shall become effective on April XX, 2014 and shall expire on April XX, 2019 unless terminated or renewed by the Water Board. Discharges regulated under this Timber Waiver are not authorized, and waste discharge requirements are not waived, after April XX, 2019 unless this Timber Waiver is renewed by Water Board action.
5. Discharges currently regulated under the 2009 Timber Waiver may proceed under the conditions of that waiver, or may be re-enrolled under this 2014 Timber Waiver. After April 9, 2014 no new applications for permit coverage under Resolution No. R6T-2009-0029 (the 2009 Timber Waiver) will be accepted.
6. Timber harvest and vegetation management activities approved by CAL FIRE under an Exemption or Emergency Notice may be eligible for coverage under Timber Waiver

Categories 1, 2, 3, 4, or 6, depending on the scope of the proposed activities.

7. A monitoring and reporting program is adopted in conjunction with this 2014 Timber Waiver and shall be adhered to by all waiver enrollees, using the attached monitoring forms adopted by the Water Board.
8. Pursuant to Water Code section 13269, Timber Waiver enrollees may request a waiver of monitoring or propose an alternate monitoring and reporting program, subject to approval by the Executive Officer. The Executive Officer may impose additional or revised monitoring and reporting requirements pursuant to Water Code section 13267. The Executive Officer may modify application, monitoring, and reporting forms (Attachments C through M).

### **C. GENERAL CONDITIONS**

1. Activities must be conducted in compliance with the Basin Plan, and other applicable laws, regulations, and plans.
2. Wastes, including but not limited to, petroleum products, soil, silt, sand, clay, rock, felled trees, slash, sawdust, bark, ash, pesticides, must not be discharged to surface waters or be deposited in locations where such material may discharge to surface waters. If discharge of wastes to surface waters occurs (not previously authorized by the Water Board), the enrollee must notify the Water Board by telephone or email within 24 hours of detection of the discharge or the next business day, whichever comes first.
3. **Condition for activities within the Little Truckee River, Truckee River, or Lake Tahoe HUs only:** If timber harvest and vegetation management activities are planned within 100-year floodplains of the Little Truckee River, Truckee River, or Lake Tahoe HUs, SEZs, or high erosion hazard lands (Bailey Land Classification 1a, 1c, or 2) of the Lake Tahoe HU, waste discharge prohibitions may apply. The Water Board grants a conditional Basin Plan Prohibition Exemption in certain cases as described in Attachment N, for slash piling and burning in Lake Tahoe HU SEZs that is conducted under Waiver Category 6, and in accordance with the requirements of Attachment Q. Review Attachments N and Q to verify if any proposed activities would need a Basin Plan prohibition exemption prior to proceeding.
4. Activities conducted under the Timber Waiver must comply with the category-specific eligibility criteria and conditions, including monitoring and reporting requirements where specified. The enrollee must conduct activities in accordance with information submitted in the application for waiver coverage, if one is required. For Categories 4, 5, and 6, the enrollee must conduct monitoring and reporting pursuant to Water Code section 13267 unless alternate monitoring and reporting requirements have been approved by the Executive Officer.
5. Timber harvest and vegetation management activities must be conducted in accordance with any design features, management actions, mitigation measures,

and monitoring plans developed as part of complying with CEQA, NEPA, the FPRs, and/or TRPA environmental analysis requirements.

6. Timber harvest and vegetation management activities subject to this Timber Waiver must not create a pollution, contamination, or nuisance, as defined by Water Code section 13050, subdivisions (k), (l), and (m).
7. All equipment used must be monitored for leaks, and removed from service if necessary to protect water quality. All spills must be immediately contained and spilled materials and/or contaminated soils must be properly disposed. An emergency spill kit adequate to contain spills that could result from onsite equipment must be at the project site at all times of equipment use.
8. This Timber Waiver does not permit any illegal activity, and does not preclude the need for permits or licenses that may be required by other governmental agencies, or other approvals by the Water Board such as discharges subject to a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act, including silvicultural point sources as defined in 40 Code of Federal Regulations, section 122.27. This waiver is not a substitute for state Water Quality Certification (WQC) under section 401 of the federal Clean Water Act which is required if a federal permit, such as a Clean Water Act section 404 permit, is required. Also, persons practicing forestry must ensure that they maintain appropriate licenses and certifications pursuant to Public Resources Code sections 752 and 753.
9. Pursuant to Water Code section 13267 subdivision (b) and Water Code section 13269 subdivision (a), any proposed material change to the activities proceeding under the Timber Waiver must be reported to Water Board staff in advance of implementation of any such change. Material changes include, but are not limited to:
  - (a) Change of project location or increase in size;
  - (b) The addition of winter period operations;
  - (c) Relocation or addition of watercourse crossings; or
  - (d) Addition or relocation of roads or skid trails into a WBBZ.
10. Any proposed material change to a project that does not result in a change in qualification under this waiver to a higher Category (e.g., Category 4 to Category 4) must be reported to the Water Board prior to implementation. Material changes to Category 6 projects shall not proceed until Category 6, Condition 1 is satisfied.

Any proposed material change to a project that results in a change in qualification under this waiver to a higher category (e.g., Category 2 to 4, or Category 4 to 6) must follow the notification requirements as if it was a new application.
11. A report of waste discharge must be filed with the Water Board pursuant to Water Code section 13260 for any proposed material change to the activities proceeding under the Timber Waiver that would result in ineligibility for Timber Waiver coverage.

12. For the purpose of performing inspections and conducting monitoring, Water Board staff must be allowed reasonable access onto property where timber harvest and vegetation management activities are proposed, are being conducted, or have been terminated or completed. Inspections and monitoring may include sample collection, measuring, and photographing/taping to determine compliance with waiver conditions and eligibility criteria. Such inspections and monitoring are consistent with Water Code section 13267, subdivision (c), PRC section 4604, subdivision (b)(1), and other applicable laws.

Prior to, or immediately upon entering the property, Water Board staff will attempt to contact the site owner, persons performing the timber harvest and vegetation management activities, or other on-site representative(s) in order to inform the landowner or persons onsite of each inspection, and to discuss any safety considerations. If consent to access to property is unreasonably withheld, the Executive Officer may terminate the applicability of the Timber Waiver.

13. **Condition for Categories 4, 5, or 6:** For the purpose of observing, inspecting, photographing, digitally recording or videotaping, measuring, and/or collecting samples or other monitoring information to document compliance or non-compliance with the eligibility criteria, conditions, or provisions of this Timber Waiver, enrollees agree to allow Water Board staff:
- (a) Entry at any time, with or without advance notice, onto: (1) the real property where timber harvest and vegetation management activities covered under this Timber Waiver are proposed, are being conducted, or have concluded; and (2) any and all outdoor areas in the control or ownership of the enrollee, in the vicinity of and downstream of timber harvest and vegetation management activities; and
  - (b) Access to and permission to copy any record required to be kept under the conditions of this Timber Waiver, including, but not limited to, any self-monitoring records and/or equipment used to fulfill monitoring requirements.

#### **D. TIMBER WAIVER CATEGORIES**

**Category 1: Defensible space, fire prevention, dead-dying-diseased tree removal, and construction activities**

Eligibility Criteria:

Activities that may proceed under this category are those:

- (1) Undertaken to comply with state, local, or county defensible space requirements, including PRC section 4291 requirements, OR
- (2) Conducted on undeveloped lots (as defined in Attachment A) up to three acres in size for the purpose of fuels reduction and/or construction activities, OR

- (3) Conducted on public lands or with public funding (where a Registered Professional Forester (RPF), Federal Forestry Professional, or Natural Resource Professional has developed and oversees the plan) to provide up to a 300-foot defense zone adjacent to subdivision boundaries, private parcel lot lines, and/or around structures and facilities (not including linear features such as roads, trails, or utility corridors), OR
- (4) Conducted under a CAL FIRE issued Forest Fire Prevention Exemption and in compliance with CCR, title 14, section 1038, subdivision(i), OR
- (5) Undertaken to remove isolated hazard trees in response to an imminent threat to life or property, OR
- (6) Conducted under a CAL FIRE issued Dead, Dying, Diseased Exemption in compliance with CCR, title 14, section 1038(b) without any exceptions to section 1038(b) condition nos. 6 or 9.

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above are not required to notify, apply, or report monitoring to the Water Board if they comply with the following conditions:

- (1) Timber harvest and vegetation management activities must not cause or create erosion, destabilization of stream banks, temperature increases in waterbodies, disturbance to non-target WBBZ (as defined in Attachment B) vegetation, or concentrated surface runoff.
- (2) All areas disturbed by activities must be stabilized (as defined in Attachment A) at the conclusion of the activity or before the winter period (as defined in Attachment A), whichever is sooner.
- (3) Chipped and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs, chipped and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
- (4) Slash piles must not be built or burned within WBBZs, SEZs (as defined in Attachment A), or 100-year floodplains (as defined in Attachment A).
- (5) Equipment, including tractors and vehicles, must not be driven into SEZs, wet areas, or WBBZs, except over existing roads or watercourse crossings where vehicle tires or tracks remain dry.
- (6) The operation of equipment, including tractors and vehicles, shall minimize soil disturbance to the maximum extent practicable.

- (7) No tractor, vehicle, or equipment use on saturated soils (as defined in Attachment A).
- (8) All activities conducted under Category 1 must comply with the General Conditions of this Timber Waiver and meet one of the category-specific eligibility criteria listed above.

<b>Category 2: Activities conducted by hand crews (as defined in Attachment A) including thinning operations and prescribed fire</b>
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Eligibility Criteria:

Activities that may proceed under this category must meet all of the following eligibility criteria:

- (1) Activities shall be conducted by hand, except for low impact equipment, see Eligibility Criteria 2(a) below, to assist hand crew operations.
- (2) Tractor, vehicle, and equipment access shall be limited to existing roads with the following exceptions:
  - (a) Low impact equipment with ground pressures less than 10 psi, such as chippers, brush mowers, or similar equipment for onsite processing of materials cut by hand crews; and
  - (b) Single passenger all-terrain vehicles (ATVs) or snowmobiles.
- (3) No construction or expansion of roads, crossings, landings, staging areas, etc.

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above are not required to notify, apply, or report monitoring to the Water Board if they comply with the following conditions:

- (1) On existing roads, tractors, vehicles, low-ground-pressure chippers or other equipment shall not be operated during saturated soil conditions (as defined in Attachment A).
- (2) Operation of ATVs, chippers, brush mowers, or similar equipment off roads must always occur at distances greater than 25 feet from a waterbody and when at least one of the following conditions occurs:
  - (a) Soils are operable (as defined in Attachment A); or
  - (b) Hard-frozen soil conditions (as defined in Attachment A) exist; or
  - (c) Snow depth is sufficient to not allow visible disturbance of soils.
- (3) Prior to the commencement of activities within WBBZs (as defined in Attachment B), trees with a diameter-at-breast-height (DBH, as defined in Attachment A) greater than three inches planned for removal, or trees designated for retention,

must be marked (including a base mark below the cutline) or designated by written prescription and/or sample mark. However, all trees with a DBH greater than 14 inches planned for removal within WBBZs must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a(n):

- (a) RPF or supervised designee;
  - (b) Federal Forestry Professional (as defined in Attachment A) or supervised designee; or
  - (c) Natural Resource Professional or supervised designee.
- (4) Activities must not cause or create erosion, destabilization of stream banks, temperature increases in waterbodies, disturbance to non-target WBBZ vegetation, or concentrated surface runoff.
  - (5) All areas disturbed by timber harvest and vegetation management activities must be stabilized at the conclusion of operations or before the winter period (as defined in Attachment A), whichever is sooner.
  - (6) Chipped and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs chipped and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
  - (7) The following conditions apply to prescribed fire:
    - (a) Areas burned within WBBZs must be left in a condition such that waste, including ash, soils, and/or debris, will not discharge to a waterbody.
    - (b) If fuel breaks are constructed, effective waterbreaks must be constructed at the end of burning operations or prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.
    - (c) Broadcast burning (as defined in Attachment A) is allowed as long as the prescription does not include active ignition within WBBZs
    - (d) Burn piles may be placed within WBBZs under all of the following circumstances:
      - i. Piles must not be located within 100-year floodplain (as defined in Attachment A) of any watercourse.
      - ii. Piles must be located a minimum of 25 feet from any waterbody.
      - iii. Piles must be limited in size to no more than 10 feet in diameter;
      - iv. No more than 10% of a treatment acre within the WBBZ shall be covered in piles.; and
      - v. No placement or burning of piles within SEZs (as defined in Attachment A) in the Lake Tahoe HU.

**(Note: Prescribed fire within WBBZs that do not meet the above conditions may be authorized pursuant to an activity-specific notification under Category 6. See General Provision 2, in Section B, above.)**

- (8) All activities conducted under Category 2 must comply with the General Conditions of this Timber Waiver and meet the category-specific eligibility criteria listed above.

<b>Category 3: Post-fire emergency rehabilitation</b>
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Eligibility Criteria:

Activities implemented to minimize threats to life or property, and/or to stabilize soil and prevent unacceptable degradation to natural and cultural resources resulting from the effects of a wildfire and suppression of a wildfire. Non-post-fire activities conducted under a CAL FIRE Emergency Exemption (e.g., emergency removal of trees dead or dying as a result of animal or plant infestations, extreme weather impacts, or pollution, or removed for emergency repair or maintenance of roads, or removed due to a significant fire threat, etc.) do not qualify for Category 3. Non-emergency activities initiated more than 60 days of a wildfire being controlled, are also not eligible. All post-fire rehabilitation projects, either Federal or Non-Federal, which cannot meet these criteria or conditions, must apply for coverage under Categories 4 or 6.

Conditions:

- (1) Land owners or their representatives planning or conducting activities described above must contact Water Board staff in writing within seven (7) days of initiating these activities and provide the location and a description of the activities being conducted.
- (2) **Condition for activities within the Little Truckee, Truckee River, or Lake Tahoe HUs only:** If timber harvest and vegetation management activities are planned within 100-year floodplains (as defined in Attachment A) of the Little Truckee River, Truckee River, or Lake Tahoe HUs, or Lake Tahoe HU SEZs (as defined in Attachment A), waste discharge prohibitions may apply. Review Attachment N to verify if any proposed activities would need a Basin Plan prohibition exemption prior to proceeding.
- (3) Slash, chipped, and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs (as defined in Attachment B) compressed slash, chipped, and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
- (4) Post-fire emergency activities conducted under Category 3 are exempt from monitoring and reporting unless the Executive Officer imposes individual monitoring requirements based upon potential water quality impacts related to the activities. If a U.S. Forest Service Burned Area Emergency Response (BAER) report or similar is prepared independent of Water Board requirements, the land owner or representative must make a copy available to Water Board staff upon request.

- (5) All activities conducted under Category 3 must comply with the General Conditions of this Timber Waiver, set forth in Section C, above, and meet the category-specific eligibility criteria listed above.

**Category 4: Activities that rely on existing roads, meet the following 11 criteria, and may include winter-period operations**

Eligibility Criteria:

Activities that may proceed under this category must meet the following eligibility criteria:

- (1) No construction of new temporary or permanent roads.
- (2) No widening of watercourse crossings or road surfaces.
- (3) No construction of new watercourse crossings except for the construction of over-snow watercourse crossings.
- (4) The use of up to one crossing of a dry Class III watercourse per  $\frac{1}{4}$  mile of stream length that does not disturb the bed or banks of the stream channel. Prior to use operable (as defined in Attachment A) soil conditions must exist and the crossing shall be passable by standard production 4-wheel drive vehicles without any grading or excavation of the stream bed or banks or crossing approaches.
- (5) No tractor, vehicle, or equipment operations within SEZs (as defined in Attachment A) or WBBZs (as defined in Attachment B), except for:
  - (a) Use and maintenance of existing roads and crossings;
  - (b) Up to one crossing of a dry Class III watercourse per  $\frac{1}{4}$  mile of stream as described in Criteria 4, above;
  - (c) Use of equipment with ground pressures less than 13 psi at distances greater than 25 feet from a waterbody, when soils are operable;
  - (d) When snow depth is sufficient to not allow visible disturbance of soils or
  - (e) When hard frozen conditions exist (as defined in Attachment A)
- (6) No mechanical site preparation (as defined in Attachment A).
- (7) No activities on slopes greater than 60%, except for aerial or cable operations.
- (8) No tractor, vehicle, or equipment operations on slopes greater than 50%.
- (9) No construction of new skid trails on slopes greater than 40%, except over-snow operations.
- (10) No construction of landings requiring earthwork (i.e., grading or excavation) on slopes greater than 20% within 200 feet of a watercourse and where there is potential for sediment delivery to a waterbody due to soil disturbances.

- (11) No tractor, vehicle, or equipment operations on soils with high or extreme erosion hazard rating, known slides, or unstable areas, except over-snow operations.

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above must comply with the following conditions in order to proceed under this Timber Waiver category:

- (1) Submit a complete Category 4 Application Form (Attachment C). Activities may begin upon verification from Water Board staff that an application was received as determined by a notice of receipt from Water Board staff or by confirmation of delivery by the United States Postal Service or other private carrier.
- (2) Pursuant to Water Code section 13267, **Implementation monitoring**, as described in the Category 4 Implementation Monitoring Form (Attachment D), must be completed before November 15 of every year for the duration of activities. Monitoring information must be submitted to the Water Board by January 15 of the following year.
- (3) Pursuant to Water Code section 13267, if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A), the enrollee must comply with the Category 4 **Daily Winter-Period Monitoring Program** (Attachment E) and conduct Winter Implementation Monitoring (Attachment H). Data accumulated during this monitoring must be retained by the enrollee and submitted July 15 of every year.
- (4) Over-snow watercourse crossings may be constructed as long as they are removed at the conclusion of operations or before a rain event if there is a risk of diversion or obstruction of the natural flow of water within the channel. Removal of such watercourse crossings must be done without disturbing watercourse bed or banks.
- (5) Facilities that cross Class I watercourses that support fish must be installed and maintained so as to allow for unrestricted passage of fish during all life stages.
- (6) In the Truckee River, Little Truckee River, and Lake Tahoe HUs, only 13 psi CTL equipment may operate within 100-year floodplains (as defined in Attachment A) or Lake Tahoe SEZs without a Basin Plan prohibition exemption, provided the conditions of Table N1 (in Attachment N) are met. Enrollees proposing other equipment or activities on volcanic soils must apply for a Basin Plan prohibition exemption for Executive Officer consideration under Category 6 of the waiver.
- (7) Tractor, vehicle, or equipment operations on roads or anywhere outside WBBZs and SEZs must be limited to:
  - (a) Times of the year when soils are not saturated (as defined in Attachment A);
  - or

- (b) Over hard-frozen soil conditions; or
  - (c) When snow depth is sufficient to not allow visible disturbance of soils.
- (8) Prior to the commencement of activities within WBBZs, trees with a DBH greater than three inches planned for removal, or trees designated for retention, must be marked (including a base mark below the cutline) or designated by written prescription and/or sample mark. However, all trees greater than 14-inch DBH planned for removal within WBBZs must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a(n):
- (a) RPF or supervised designee;
  - (b) Federal Forestry Professional (as defined in Attachment A) or supervised designee; or
  - (c) Natural Resource Professional or supervised designee.
- (9) Activities must not cause or create erosion, destabilization of stream banks, temperature increases in waterbodies, disturbance to non-target vegetation within WBBZs, or concentrated surface runoff.
- (10) Slash, chipped, and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs, compressed slash, chipped, and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
- (11) All completed areas disturbed by activities must be stabilized at the conclusion of operations or before the winter period (whichever is sooner). For winter operations, areas must be stabilized prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.
- (13) In areas where tractors, vehicles, or equipment are operated over-snow the following must be clearly marked for operator visibility:
- (a) All waterbodies;
  - (b) Culverts; and
  - (c) Stream crossings.
- (14) Plowing of roads, landings, and turnouts during over-snow operations must allow for adequate road drainage, and must not:
- (a) Expose soils;
  - (b) Damage road surfaces and associated drainage structures; or
  - (c) Result in concentrated flows of snowmelt and runoff that has the potential to reach a waterbody.
- (15) The following conditions apply to prescribed fire:

- (a) Areas burned within WBBZs must be left in a condition such that waste, including ash, soils, and/or debris will not discharge to a waterbody;
- (b) If fuel breaks are constructed, effective waterbreaks must be constructed at the end of burning operations or prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours;
- (c) Broadcast burning (as defined in Attachment A) is allowed as long as the prescription does not include active ignition within WBBZs.
- (d) Burn piles may be placed within WBBZs under all of the following circumstances:
  - i. Piles must not be located within 100-year floodplain of any watercourse;
  - ii. Piles must be located a minimum of 25 feet from any waterbody
  - iii. Piles must be limited in size to no more than 10 feet in diameter;
  - iv. No more than 10% of a treatment acre within the WBBZ shall be covered in piles.;
  - v. No placement or burning of burn piles within SEZs in the Lake Tahoe HU;

**(Note: Prescribed fire within WBBZs that do not meet the above conditions may be authorized pursuant to an activity-specific notification under Category 6. See General Provision 2 in Section B above.)**

- (16) Pursuant to Water Code section 13267, notify the Water Board in writing at least **30 days prior** to the proposed application of pesticides (as defined in Attachment A), except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:
  - (a) Type of pesticide
  - (b) Method and area of application
  - (c) Projected date of application
  - (d) Measures that will be employed to assure compliance with the Basin Plan. Subsequent changes to the proposal must be submitted in writing at least 14 days before the application, unless Water Board staff agrees in writing to a shorter notice period.
- (17) Upon completion of timber harvest or vegetation management activities, enrollees must submit an Implementation Monitoring Form (Attachment D) and request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Activity Completion Form.

The enrollee and the activities remain subject to all applicable Timber Waiver criteria and conditions (including required monitoring and reporting) until a Notice is received from Water Board staff terminating coverage under the Timber Waiver. Prior to approving (or declining) termination, Water Board staff may inspect the project area.

- (18) All activities conducted under Category 4 must comply with the General Conditions of this Timber Waiver, set forth in Section C, above, and meet the category-specific eligibility criteria listed above.

<p><b>Category 5: CAL FIRE approved Plans (including Timber Harvest Plans, Non-Industrial Timber Management Plans, other Plans, and Amendments)</b></p>
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Eligibility Criteria:

Activities eligible under this category must meet the following criteria:

- (1) The Timber Harvest Plan or Nonindustrial Timber Management Plan (Plan) has been approved by CAL FIRE.
- (2) If recommendations have been made by Water Board staff during the CAL FIRE Review Team process, they have been incorporated into the approved Plan or the Timber Waiver application (if not, apply under Category 6, or submit individual Report of Waste Discharge).

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above must comply with the following conditions in order to proceed under this Timber Waiver category:

- (1) Submit a complete Category 5 Application Form (Attachment F). Activities may begin upon verification from Water Board staff that an application was received as determined by a notice of receipt from Water Board staff, or by confirmation of delivery by the United States Postal Service or other private carrier.
- (2) An RPF has clearly indicated (within the approved Plan) whether the proposed activities could occur within or affect the following areas:
  - (a) Aquatic or wetland habitat;
  - (b) Known landslides or unstable areas; and
  - (c) Areas of high or extreme erosion hazard rating.
- (3) An RPF has clearly indicated (within the approved Plan or as an addendum to the Timber Waiver application) whether the following conditions are present within the Plan area:
  - (a) Overflow channels resulting from the obstruction of stream flow or stream diversions; or
  - (b) Culverts showing evidence of inadequate flow capacity.
- (4) An RPF has clearly indicated (within the approved Plan or as an addendum to the Timber Waiver application) whether the following activities will occur:

- (a) Use of new or existing skid trails on slopes greater than 50% (or 30% in the Lake Tahoe HU). The identification of individual trails or the shading of areas planned for skid trail construction or reconstruction can satisfy this condition;
  - (b) Construction of new watercourse crossings and/or the modification of existing watercourse crossings;
  - (c) Landings or skid trails (including existing landings and skid trails and/or those to be constructed or reconstructed) proposed for use during timber harvest and vegetation management activities for which any portion of the landing or skid trail lies within a WBBZ (as defined in Attachment B);
  - (d) Equipment operations or chip placement within WBBZs, Lake Tahoe, Truckee River, or Little Truckee River HUs 100-year floodplains (as defined in Attachment A), or Lake Tahoe HU SEZs (as defined in Attachment A); or
  - (e) Prescribed fire within WBBZs, Lake Tahoe HU SEZs, or Lake Tahoe, Truckee River, or Little Truckee River HUs 100-year floodplains.
- (5) If any of the activities or conditions listed above (in Conditions 2 through 4) exist or are proposed, an RPF must provide within the approved Plan or Timber Waiver application, project modifications and/or mitigation measures to avoid any adverse impact(s) to water quality. The project must be conducted in accordance with the Plan and waiver application.

Within the Lake Tahoe, Little Truckee River, and Truckee River HUs, Basin Plan prohibitions may apply (see Attachment N). If an exemption is required, the enrollee must request an exemption and provide additional information in the Plan or as an addendum to the Waiver application to address the required Basin Plan findings and criteria. The Executive Officer must grant an exemption before activities subject to the prohibitions may occur.

- (6) Facilities that cross watercourses that support fish must be installed and maintained so as to allow for unrestricted passage of fish during all life stages.
- (7) Culverts at watercourse crossings in which water is flowing at the time of installation shall be installed using methods to temporarily isolate or divert stream flows from the culvert installation area.
- (8) Permanent watercourse crossings and approaches shall be installed and maintained to accommodate 100-year flood flows and associated debris.
- (9) Vegetation, other than target species (as defined in Attachment A), that is found along waterbodies, or within or bordering meadows and wet areas, must be retained and protected during timber harvest and vegetation management activities, unless they have been marked or designated by written prescription for removal by an RPF or supervised designee to achieve fuel reduction goals or riparian forest health.
- (10) Pursuant to Water Code section 13267, comply with the **Monitoring and Reporting Program** described in the Category 5 Application Form (Attachment F),

or as directed by the Executive Officer. As noted on the Category 5 Application Form, there are two instances where enrollees may temporarily suspend effectiveness and forensic monitoring:

- (a) Under certain extended periods where no site activities will occur between the last effectiveness monitoring after ground disturbing activities are completed and the stocking activities have resumed; or
- (b) Where project operations have commenced and are then subsequently suspended indefinitely by events above and beyond the control of the enrollee (e.g., large wildfires flooding mills with “black logs” while green logs are refused).

Under either of these temporary monitoring suspensions, the enrollee must agree that no project-related equipment shall enter the project sites during these periods of inactivity, either on or off roads. The enrollee must note these periods of inactivity on the annual monitoring reports and include an explanation for the temporary suspension. During these interim periods, the Timber Waiver shall remain in effect and monitoring shall resume either at the request of Water Board staff at any time (e.g., if a large storm event occurred during this period) or when on site equipment operations have resumed.

- (11) Pursuant to Water Code section 13267, notify the Water Board in writing at least **30 days prior** to the proposed application of pesticides (as defined in Attachment A), except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:
  - (a) Type of pesticide;
  - (b) Method and area of application;
  - (c) Projected date of application; and
  - (d) Measures that will be employed to assure compliance with the Basin Plan

Subsequent changes to the proposal must be submitted in writing at least 14 days before the application, unless Water Board staff agrees in writing to a shorter notice period.

- (12) Pursuant to Water Code section 13267, upon completion of timber harvest activities enrollees must request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Activities Completion Form.

The project and the enrollee remain subject to all applicable Timber Waiver criteria and conditions (including required monitoring and reporting) until a Notice is received from Water Board staff terminating coverage under the Timber Waiver.

- (13) Activities conducted under Category 5 must comply with the General Conditions of this Timber Waiver, as set forth in Section C, above, and meet the category-specific eligibility criteria listed above.

**Category 6: Activities that do not qualify for Categories 1 – 5, and may include burning or equipment operations within Waterbody Buffer Zones, 100-year Floodplains, or Stream Environment Zones.**

Eligibility Criteria:

Activities that do not qualify under Categories 1 – 5, including Federal and Non-Federal post-fire rehabilitation projects that cannot meet the conditions of Category 3, may be eligible under this category if the enrollee adheres to the following conditions.

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above must comply with the following conditions in order to proceed under this Timber Waiver category:

- (1) Submit a complete Category 6 Application Form (Attachment K). Activities may begin once Water Board staff has notified the enrollee that their application is complete, or **30 days** following receipt of an application by Water Board staff as determined by a notice of receipt from Water Board staff, or by confirmation of delivery by the United States Postal Service or other private carrier.
- (2) An RPF, Federal Forestry Professional (as defined in Attachment A), or Natural Resource Professional has clearly indicated (within certified environmental documents completed in compliance with CEQA and/or NEPA, or within the Timber Waiver Application submitted to the Water Board) whether proposed activities could occur within or affect the following:
  - (a) Known landslides or unstable areas;
  - (b) Areas of high or extreme erosion hazard rating;
  - (c) Overflow channels, flood prone areas, and riparian areas; or
  - (d) Aquatic or wetland habitat
- (3) An RPF, Federal Forestry Professional, or Natural Resource Professional has clearly indicated (within certified CEQA and/or NEPA document(s), or within the Timber Waiver Application) whether the following conditions are present within the project area:
  - (a) Overflow channels resulting from the obstruction of stream flow or stream diversions;
  - (b) Culverts showing evidence of inadequate flow capacity; or
  - (c) Migrating channels or erodible watercourse banks.
- (4) An RPF, Federal Forestry Professional, or Natural Resource Professional has clearly indicated (within certified CEQA and/or NEPA document(s), or within the Timber Waiver Application) whether the following activities are included within the proposed project:
  - (a) Skid trails on slopes greater than 50% (greater than 30% in Lake Tahoe HU);
  - (b) Construction of new watercourse crossings and/or modification of existing watercourse crossings;
  - (c) Landings and skid trails (including existing landings and skid trails and/or

- those to be constructed or reconstructed) proposed for use during timber harvest and vegetation management activities for which any portion of the landing or skid trail lies within a WBBZ (as defined in Attachment B);
- (d) Equipment operations within WBBZs or Lake Tahoe HU SEZs (as defined in Attachment A) or Lake Tahoe, Truckee River, or Little Truckee River HU 100-year floodplains (as defined in Attachment A);
  - (e) Prescribed fire within WBBZs, Lake Tahoe HU SEZs, or Lake Tahoe, Truckee River, or Little Truckee River HUs 100-year floodplains; or
  - (f) New roads within the Tahoe HU.
- (5) If any of the activities or conditions listed above (in Conditions 2 through 4) exist or are proposed, the enrollee must, in the application, NEPA, and/or CEQA document, explain and justify the proposal and provide project modifications and/or mitigation measures to avoid any adverse impact(s) to water quality. If details and mitigation measures are referenced in supporting documentation (NEPA, 401 WQC, etc.), that document must be attached or provided electronically, and the specific location of the referenced details must be noted. The project must be conducted in accordance with environmental documents and the waiver application (including implementation of design features and mitigation measures).

Within the Lake Tahoe, Little Truckee River, and Truckee River HUs, Basin Plan prohibitions may apply (see Attachment N). If an exemption is required, the enrollee must request an exemption and provide additional information in the Plan or as an addendum to the Waiver application to address the required Basin Plan findings and criteria including additional project specific monitoring to evaluate effects. The enrollee may also include project trigger(s) (as defined in Attachment A) or thresholds where activities will stop if the trigger(s) are reached. The enrollee will propose the appropriate and quantifiable triggers. However, if the enrollee does not propose trigger(s), or fails to propose trigger(s) adequate to prevent discharge, Water Board staff will work with the enrollee to develop appropriate trigger(s). The Executive Officer must grant an exemption before activities subject to the prohibitions may occur.

- (6) Pursuant to Water Code section 13267, comply with the **Monitoring and Reporting Program** described in the Category 6 Application Form (Attachment K) or as directed by the Executive Officer. If a BAER report or similar is prepared, this must be submitted to Water Board staff upon request.
- (7) Pursuant to Water Code section 13267, if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A), the enrollee must comply with the Category 6 **Daily Winter-Period Monitoring Program** (Attachment E). Data accumulated during this monitoring must be retained by the enrollee and submitted July 15 of every year.
- (8) Over-snow watercourse crossings may be constructed as long as they are removed at the conclusion of operations or before a rain event if there is a risk of diversion or obstruction of the natural flow of water within the channel. Removal of

such watercourse crossings must be done without disturbing watercourse bed or banks.

- (9) Tractor, vehicle, or equipment operations on existing roads, or off roads outside WBBZs, must be limited to:
  - (a) When soils are not saturated (as defined in Attachment A); or
  - (b) When hard-frozen soil conditions exist (as defined in Attachment A); or
  - (c) When snow depth is sufficient to not allow visible disturbance of soils.
- (10) Off existing roads within WBBZs, tractor, vehicle, or equipment operations can occur under Conditions 4(d) and 5, above, when (a), (b), or (c) below applies :
  - (a) When soils are operable (as defined in Attachment A); or
  - (b) When hard-frozen soil conditions exist; or
  - (c) When snow depth is sufficient to not allow visible disturbance of soils.
- (11) Within SEZs in the Lake Tahoe HU and 100-year floodplains of the Lake Tahoe, Truckee River, and Little Truckee River HUs, only CTL equipment with ground pressures less than or equal to 13 psi may be used without need for a Basin Plan prohibition exemption provided the conditions of Table N1 (in Attachment N) are met.
- (12) If operating within the sensitive areas described under Condition 11, above, CTL equipment must travel only over areas that have been scattered with sufficient limbs and tree tops to prevent rutting or compaction of underlying soils and minimize damage to native SEZ vegetation. The CTL Forwarder, or other low ground pressure method, shall remove this slash bed when backing out of a completed unit; sufficient slash shall be left to provide adequate ground cover (as defined in Attachment A).
- (13) In areas where sufficient slash is unavailable to adequately control erosion, the applicant shall identify and approximately map these areas, and detail equally-protective mitigation measures in the Timber Waiver application and apply for a Basin Plan prohibition exemption. In developing alternative mitigation measures to driving on a bed of slash where sufficient slash is not available, the applicant shall, at a minimum, create waterbreaks on these CTL equipment trails in accordance with the 2013 California FPRs, CCR, title 14, section 914.6. Waterbreaks or more protective mitigation measures shall be either created by hand work or using the CTL equipment as it is backing out of the unit.
- (14) Within 100-year floodplains of Lake Tahoe, Truckee River, and Little Truckee River HUs, and Lake Tahoe HU SEZs, other equipment may be used provided the Executive Officer has granted an exemption to the Basin Plan Prohibition (see Attachment N).

- (15) All areas disturbed by timber harvest and vegetation management activities must be stabilized at the conclusion of operations or before the winter period, whichever is sooner.
- (16) Slash, chipped, and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs, compressed slash, chipped, and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
- (17) Facilities that cross Class I watercourses that support fish must be installed and maintained so as to allow for unrestricted passage of fish during all life stages.
- (18) Culverts at watercourse crossings in which water is flowing at the time of installation shall be installed using methods to temporarily isolate or divert stream flows from the installation area.
- (19) Permanent watercourse crossings and approaches shall be installed and maintained to accommodate 100-year flood flows and associated debris.
- (20) Prior to the commencement of timber harvest and vegetation management activities within WBBZs, trees with a DBH greater than three inches planned for removal, or trees designated for retention, must be marked (including a base mark below the cutline) or designated by written prescription and/or sample mark. However, all trees greater than 14-inch DBH planned for removal within WBBZs must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a(n):
  - (a) RPF or supervised designee;
  - (b) Federal Forestry Professional or supervised designee; or
  - (c) Natural Resource Professional or supervised designee.
- (21) Vegetation, other than target species (as defined in Attachment A), that is found along waterbodies, or within or bordering meadows and wet areas, must be retained and protected during timber harvest and vegetation management activities.
- (22) The following conditions apply to prescribed fire within 100-year floodplains, WBBZs, or SEZs):
  - (a) Slash piles must not be located within the 100-year floodplain of any watercourse or within 25 feet of a watercourse;
  - (b) Piling and burning of slash within SEZs and WBBZs may be conducted provided the requirements of Attachment Q are adhered to. Enrollees proposing SEZ pile burning activities that don't meet the requirements in Attachment Q must apply for a Basin Plan prohibition exemption under this Timber Waiver category;

- (c) Authorization for piling and burning slash not meeting the conditions in (a) or (b) above will be considered by the Executive Officer following Water Board staff review of burn plan(s) or supplemental information submitted with the Timber Waiver Category 6 Application that includes site specific information such as, but not limited to:
- i. Soil type(s);
  - ii. Vegetative cover;
  - iii. Minimum distances from waterbodies;
  - iv. Topography;
  - v. Percent of area to be burned within the WBBZ and/or SEZ;
  - vi. Explanation why burn piles within the WBBZ and/or SEZ is proposed; and
  - vii. Monitoring and mitigation measures or project design features to be implemented to ensure no significant adverse environmental effects will occur.
- (d) Broadcast burning (as defined in Attachment A) is allowed as long as the prescription does not include active ignition within SEZs or WBBZs;
- (e) These activities will be subject to additional monitoring and reporting requirements pursuant to Water Code section 13267 (e.g., vegetative recovery, invasive species, evidence of erosion or transport of ash);
- (f) Areas burned within WBBZs must be left in a condition such that ash, soils, and/or debris will not discharge to a waterbody; and
- (g) If fuel breaks are constructed, effective waterbreaks must be constructed at the end of burning operations or prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.

- (23) Pursuant to Water Code section 13267, notify the Water Board in writing at least **30 days prior** to the proposed application of pesticides (as defined in Attachment A), except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:

- (a) Type of pesticide;
- (b) Method and area of application;
- (c) Projected date of application; and
- (d) Measures that will be employed to assure compliance with the Basin Plan.

Subsequent changes to the proposal must be submitted in writing at least 14 days before the application, unless Water Board staff agrees in writing to a shorter notice period.

- (24) Pursuant to Water Code section 13267, upon completion of activities enrollees must request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Activity Completion Form.
- (25) The project and the enrollee remain subject to all applicable Timber Waiver criteria and conditions (including required monitoring and reporting) until a Notice is

received from Water Board staff terminating coverage under the Timber Waiver. Prior to approving (or declining) termination, Water Board staff may inspect the project area.

- (26) Activities conducted under Category 6 must comply with the General Conditions of this Timber Waiver, as set forth in Section C, above, and meet the category-specific eligibility criteria listed above.

**E. CERTIFICATION**

I, Patty Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on April XX, 2014

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PATTY KOUYOUMDJIAN  
EXECUTIVE OFFICER

- Attachments:
- A: Definitions and List of Acronyms
  - B: Waterbody Buffer Zones
  - C: Category 4 Application Form and Monitoring and Reporting Program
  - D: Category 4 Implementation Monitoring Form
  - E: Category 4 and 6 Daily Winter Period Monitoring Program
  - F: Category 5 Application Form and Monitoring and Reporting Program
  - G: Fall Implementation Monitoring Form (Category 5 & 6)
  - H: Winter Implementation Monitoring Form (Category 4, 5 & 6)
  - I: Forensic Monitoring Form (Category 5 & 6)
  - J: Effectiveness Monitoring Form (Category 5 & 6)
  - K: Category 6 Application Form and Monitoring and Reporting Program
  - L: Photo-Point Monitoring Form
  - M: Notice of Activity Completion Form
  - N: Waste Discharge Prohibition and Exemption Information for the Little Truckee, Truckee River, and Lake Tahoe Hydrologic Units
  - P: Summary of Monitoring and Reporting Required for Categories 4, 5, and 6
  - Q: Requirements for Pile Burning within SEZs or Waterbody Buffer Zones

# **ATTACHMENT A**

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## Definitions and List of Acronyms

### Conditional Waiver of Waste Discharge Requirements for Timber Harvest and Vegetation Management Activities

<b>100-YEAR FLOODPLAIN</b>	<p>areas determined based on delineations completed or approved by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, or an individual qualified to make floodplain delineations. If these agencies have not completed formal delineations the Water Board staff may agree to the use of best professional judgment; field verification by staff may be needed. These areas include land adjacent to waterbodies that extend to the outer perimeter of lands which experience flooding or are inundated with water during 100-year flood events. At a minimum, enrollees shall designate the 100-year floodplain area to encompass the bed and bank of any ephemeral drainage course. If other indicators are present such as wet vegetation on terraces, or other high water indicators, such as stranded debris, these should also be taken into consideration. For cases of unconfined channels, other indicators may need to be considered.</p> <p>Within the Lake Tahoe Hydrologic Unit 100-year floodplains are sometimes, but not always, included within Stream Environment Zones (SEZs), as defined below. A floodplain only qualifies as SEZ if other secondary indicators of a SEZ are present. If a 100-year floodplain is considered a SEZ, the SEZ prohibitions and exemption criteria apply. (Basin Plan Section 5.7).</p>
<b>ADEQUATE GROUND COVER</b>	<p>means that 85% ground cover has been provided to a depth not to exceed an average of two inches with a maximum of four inches, to prevent erosion in disturbed areas. "Ground cover" means slash, wood chip, or masticated material, and includes sufficient existing surface rock, needle cast, and brush or other vegetative matter in contact with the soils. Where slash is used as a ground cover, contact with the soil is more important than "depth," and "depth" shall be considered only where slash has been tracked over to provide full contact with the soils. Existing ground cover shall be considered sufficiently effective where monitoring supports that the rock or vegetation retain soils, reduce raindrop splash, prevent erosion, and promote infiltration.</p>
<b>BROADCAST BURNING</b>	<p>means the use of fire to achieve ecological or fuel reduction benefits. It does not include burning of organic matter which is</p>

	piled during mechanical site preparation or the ignition of 'burn piles' as defined below.
<b>BURN PILE</b>	means hand and machine constructed piles of organic materials (e.g., slash, branches, limbs, stumps, biomass) intended for burning.
<b>BURN SCAR (AS USED IN ATTACHMENT Q)</b>	means the area under a slash pile which exhibits signs of complete loss of surface organic material down to bare mineral soil, following prescribed burning.
<b>CHANNEL MIGRATION ZONE</b>	means the area where the main channel of a watercourse can reasonably be expected to shift position on its floodplain laterally through avulsion or lateral erosion during the period of time required to grow forest trees from the surrounding area to a mature size, except as modified by a permanent levee or dike. The result may be the loss of beneficial functions of the riparian zone or riparian habitat.
<b>CRITICAL DIP</b>	means a low point, or overflow structure, in the road near or at a watercourse crossing designed to prevent the diversion of high flows in the event that the crossing or culvert becomes plugged or flow capacity is exceeded. To be properly installed, critical dips should be on the downhill side of a crossing.
<b>DIAMETER AT BREAST HEIGHT</b>	means the diameter of the tree measured outside bark, at breast height, a point 4.5 feet (1.37 m) above the average ground level.
<b>EFFECTIVENESS MONITORING</b>	means visual evaluation of management measures (e.g., erosion control, water body buffer zones, waterbreaks, critical dips, burn scar impacts/vegetative recovery) following the winter period (between March 15 and June 15) to determine the effectiveness of the measures in preventing sediment discharge to waterbodies.
<b>ENROLLEE(S)</b>	means the landowner(s), duly authorized representative of the landowner, and anyone working on behalf of the landowner in the conduct of timber harvest and vegetation management; includes any city, county, district, the state, and the United States, to the extent authorized by federal law (Water Code section 13050, subdivision c).
<b>FEDERAL FORESTRY PROFESSIONAL</b>	means a person employed by the federal government meeting the requirements of the Federal Forestry Series (GS-460) of the U.S. Office of Personnel Management.
<b>FORENSIC</b>	means visual monitoring of surface waters (e.g., lakes and

<b>MONITORING</b>	streams) and Waterbody Buffer Zones to identify evidence of sediment delivery and/or locate sources of sediment delivery (or potential delivery) to a waterbody so that corrective actions may be taken to prevent or reduce sediment discharges to waterbodies.
<b>FUEL BREAK</b>	A strip of hand or machine modified land surface designed to stop the progress of a prescribed fire or wildfire.
<b>GROUND-BASED EQUIPMENT OPERATIONS</b>	includes tractor, vehicle, equipment, and heavy equipment operations. Does not include work conducted by hand crews, helicopter, or cable yarding.
<b>HAND CREW OPERATIONS</b>	means cutting vegetation with a chainsaw or hand saw and manually piling material onsite or removing material with the use of motorized equipment limited to existing roads (except chippers and/or brush mowers). Includes prescribed burning and the construction of fuel breaks.
<b>HARD-FROZEN SOIL CONDITIONS</b>	means frozen soil conditions where operated vehicles, tractors, and equipment can travel without sinking into soil, road, or landing surfaces to a depth of more than two inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.
<b>IMPLEMENTATION MONITORING</b>	means visual monitoring of project areas (including roads, stream crossings, landings, burn scars ) to ensure all management practices designed to prevent sediment delivery and protect water quality (e.g., erosion control measures, riparian buffers, waterbreaks, critical dips) are in place and secure prior to the winter period, and at the conclusion of winter operations if winter operations occur.
<b>LANDING</b>	means that area where forest products are concentrated prior to additional processing or removal from site.
<b>MECHANICAL SITE PREPARATION</b>	means any activity involving mechanical disturbance of soils which is performed before, during, or after completion of vegetation management activities, associated with preparation of any portion of the project area for artificial or natural regeneration.
<b>NATURAL RESOURCE PROFESSIONAL</b>	means a person with a bachelor's degree or higher in a biological, ecological, or other relevant science (e.g., soils, hydrology, botany, fisheries) and at least six months of relevant experience. This person is not a substitute for a Registered Professional Forester when one is required by state or federal code or regulation.

<p><b>OPERABLE</b> (As applied in Categories 2, 4, and 6; and in Attachment N)</p>	<p>means vehicles, tractors, and other equipment use off roads, under moist or wet conditions must not create ruts exceeding two inches in depth and 25 feet in length. No ruts exceeding three inches in depth are allowed. Where project skid trails remain wet in isolated depressions that are less than 50 feet in length (i.e., no more than two such instances within 1000 feet), woody debris, weed-free straw, or landing mats may be brought in to fill and/or span these depressions for operability. The Enrollee must document this activity and provide Water Board staff with a description and explanation of what was done within seven calendar days of implementing this solution. Where appropriate, Water Board staff may require material to be removed prior to project completion.</p>
<p><b>PESTICIDES</b></p>	<p>means, for the purposes of this Timber Waiver, to include herbicides, insecticides, fungicides, and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi, or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code section 12753, and Basin Plan Chapter 3).</p>
<p><b>PRESCRIBED FIRE</b></p>	<p>means the implementation of a written prescription to burn a designated area under specified environmental conditions. May include broadcast burning or pile burning.</p>
<p><b>PROJECT</b></p>	<p>means any “timber harvest and/or vegetation management activity” (as defined below).</p>
<p><b>SATURATED SOIL CONDITIONS</b> (As applied in Categories 1,2, 4, and 6)</p>	<p>means that site conditions are sufficiently wet that timber operations displace soils in yarding or mechanical site preparation areas or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters (as defined in the Forest Practice Rules), or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements.</p> <p>In yarding and site preparation areas, this condition may be evidenced by: (a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, (b) inadequate traction without blading wet soil, (c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or (d) creation of ruts greater than would be normal following a</p>

	<p>light rainfall.</p> <p>On logging roads and landing surfaces, this condition may be evidenced by (a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, (b) inadequate traction without blading wet soil, (c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, (d) pumping of road surface materials by traffic, or (e) creation of ruts greater than would be created by traffic following normal road watering, which transports surface material to a drainage facility that discharges directly into a watercourse.</p> <p>Soils or road and landing surfaces that are hard frozen are excluded from this definition. (California Code of Regulations, title 14, section 895.1.).</p>
<p><b>SKID TRAIL</b></p>	<p>means constructed trails or established paths used by tractors or other vehicles for skidding logs. Also known as tractor roads. (California Code of Regulations, title 14, section 895.1.)</p>
<p><b>STABILIZED</b></p>	<p>means exposed soils and unstable areas have been treated in such a manner that there is low risk of such soils discharging to a waterbody via runoff, slumping, or wind erosion. Appropriate treatment can vary and can include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• cover with mulch (weed free straw, slash, etc.), rocks, tarp, etc.</li> <li>• relocation of excess material to an area that is stable, well drained, isolated from wet areas or watercourses, and where wind exposure is limited</li> <li>• sloping back excess material to a stable angle</li> <li>• hydroseeding, seeding and/or planting</li> <li>• temporary construction erosion control measures (e.g., fiber rolls, silt fences, erosion control blankets, tarps)</li> </ul> <p>Note: Minimization of soil disturbance and soil stabilization (as described above) are the best and most cost-effective method of preventing sediment delivery. Trying to capture sediment once it is dislodged is much more difficult, costly, and is less likely to succeed.</p>
<p><b>STREAM ENVIRONMENT ZONE (SEZ)</b> (A term only used within the Lake Tahoe Hydrologic</p>	<p>means biological communities that owe their characteristics to the presence of surface waters or a seasonal high groundwater table. The criteria used for field identification and delineation of SEZs are unique to the Lake Tahoe Hydrologic Unit and are described below.</p>

<p>Unit)</p>	<p>The following criteria have been adopted by the Tahoe Regional Planning Agency (TRPA). A Stream Environment Zone is determined to be present if any one of the following key indicators is present, or in the absence of a key indicator, if any three of the following secondary indicators are present. Soil types are discussed in Volume I of the TRPA's Water Quality Management Plan for the Lake Tahoe Region. Plant communities are identified in accordance with the definitions and procedures contained in the report entitled <i>Vegetation of the Lake Tahoe Region, A Guide for Planning</i> (TRPA 1971).</p> <p><b>1. Key Indicators:</b></p> <ul style="list-style-type: none"> <li>(a) Evidence of surface water flow, including perennial, ephemeral, and intermittent streams, but not including rills or man-made channels; or</li> <li>(b) Primary riparian vegetation; or</li> <li>(c) Near surface groundwater; or</li> <li>(d) Lakes or ponds; or</li> <li>(e) Beach (Be) soils; or</li> <li>(f) One of the following alluvial soils:             <ul style="list-style-type: none"> <li>(i) Elmira loamy coarse sand, wet variant (Ev)</li> <li>(ii) Marsh (Mh).</li> </ul> </li> </ul> <p><b>2. Secondary Indicators:</b></p> <ul style="list-style-type: none"> <li>(a) Designated floodplain</li> <li>(b) Groundwater between 20-40 inches</li> <li>(c) Secondary riparian vegetation</li> <li>(d) One of the following alluvial soils:             <ul style="list-style-type: none"> <li>(i) Loamy alluvial land (Lo), or</li> <li>(ii) Celio gravelly loamy coarse sand (Co), or</li> <li>(iii) Gravelly alluvial land (Gr).</li> </ul> </li> </ul> <p>TRPA's official land capability maps shall be used to identify SEZs initially, but are subject to field verification in every instance.</p> <p>The boundary of a SEZ is the outermost limit of the key indicators; the outermost limit where three secondary indicators coincide; or if Lo, Co or Gr soils are present, the outermost limit where two secondary indicators coincide, whichever establishes the widest SEZ at any point. The outermost boundaries of a stream are the bank-full width of such stream which is defined as the level of frequent high flow, i.e., the level of flood with a recurrence interval of approximately 1.5 years. Other definitions of terms used in the criteria above are given in pages 10 – 12 of the TRPA Water Quality Management Plan for the Lake Tahoe Region.</p>
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	<p>Note that SEZs can include bodies of open water as well as wet meadows without defined stream channels. SEZs are generally identical with Bailey land capability Class 1b lands (See TRPA Water Quality Management Plan for the Lake Tahoe Region).</p> <p>This definition is subject to change if the TRPA amends the definition or criteria for SEZs and such changes or amendments are approved by the California State Water Resources Control Board. (Basin Plan Section 5.7)</p>
<b>STRUCTURE</b>	<p>means an approved and legally permitted existing structure (such as residential or commercial building) that complies with the California Building Code (or which pre-dates the building code). Does not include existing roads, power lines, or trails.</p>
<b>TARGET SPECIES</b>	<p>means vegetation and/or tree species that are deliberately selected for removal, reduction, or management to accomplish the project's intended purpose, as specified in the project application, Plan or other submittal.</p>
<b>TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES</b>	<p>means all activities related to the management of vegetation for the purposes of fuel reduction; forest thinning; and/or environmental improvement (such as forest enhancement, riparian enhancement, and aspen stand enhancement); prescribed burning; cutting or removal of trees and vegetation, together with all the work incidental thereto, including, but not limited to, construction, reconstruction, maintenance, and decommissioning of roads, fuel breaks, stream crossings, landings, skid trails, or beds for the falling of trees; burned area rehabilitation, hazard tree removal; site preparation that involves disturbance of soil, burning of vegetation, or herbicide/pesticide application. Activities do not include aquatic vegetation management, preparatory tree marking, surveying, or road flagging.</p>
<b>TRIGGER</b>	<p>is a quantifiable target or value that represents a measurement below or before a significant negative impact occurs, so that if the trigger value is reached (e.g. measured soil disturbance), operations causing the discharge are stopped and alternative actions taken.</p>
<b>UNDEVELOPED LOT</b>	<p>means parcels without buildings or structures, up to three acres in size, that are interspersed in areas of <u>existing</u> urban land uses (e.g., residential, commercial or industrial uses). Undeveloped lots include such parcels owned by public agencies within a recognized urban or community boundary.</p>

<b>UNSTABLE AREAS</b>	are characterized by slide areas or unstable soils or by some or all of the following: hummocky topography consisting of rolling bumpy ground, frequent benches, and depressions; short irregular surface drainages begin and end on the slope; tension cracks and head wall scarps indicating slumping are visible; slopes are irregular and may be slightly concave in upper half and convex in lower half as a result of previous slope failure; there may be evidence of impaired ground water movement resulting in local zones of saturation within the soil mass which is indicated at the surface by sag ponds with standing water, springs, or patches of wet ground. Some or all of the following may be present: hydrophytic (wet site) vegetation prevalent; leaning, jackstrawed or split trees are common; pistol-butted trees with excessive sweep may occur in areas of hummocky topography (note: leaning and pistol butted trees should be used as indicators of slope failure only in the presence of other indicators). (California Code of Regulations, title 14, section 895.1.)
<b>VEGETATIVE RECOVERY</b>	means the re-colonization of the area under a burn pile with native vegetation representative of the vegetative community of the site. This shall be demonstrated by the presence of vegetation throughout (not just around the perimeter) the burn scar and does not include surface mulch or invasive species.
<b>WATERBODY</b>	means “waters of the state” as defined in Water Code section 13050 and includes any surface water and ground water, including, but not limited to, any natural or manmade waterbody, including lakes, ponds, springs, and watercourses. Class I, Class II, Class III, Class IV, and Unclassified Waterbodies are defined in Attachment B.
<b>WATERBODY BUFFER ZONE</b>	means a strip of land, along all sides of a waterbody, where additional avoidance measures and management practices are required for protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources, and for controlling erosion. Please refer to Attachment B for further explanation.
<b>WATERBREAK</b>	means a ditch, dike, or dip, or a combination thereof, constructed diagonally across logging roads, skid trails, and fuel breaks so that runoff flow is interrupted and effectively diverted to discharge to non-erodible or vegetated areas that will not result in delivery of sediment to a waterbody. Also known as waterbars.
<b>WATERCOURSE</b>	means any well-defined channel with distinguishable bed and bank showing evidence of having contained flowing water

	indicated by deposit of rock, sand, gravel, or soil. Watercourse also includes manmade watercourses (California Code of Regulations, title 14, section 895.1.).
<b>WATERCOURSE AND LAKE PROTECTION ZONES (WLPZ)</b>	means a strip of land, along both sides of a watercourse or around the circumference of a lake or spring, where additional practices may be required for the protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources and for controlling erosion. (As defined in the 2013 Forest Practice Rules).
<b>WINTER PERIOD</b>	means the period which begins November 15 and ends April 1. Within the Lake Tahoe, Little Truckee River and Truckee River Hydrologic Units, the winter period is between October 15 and May 1.

All other terms shall have the same definitions as prescribed by the California Forest Practice Rules (California Code of Regulations, title 14, section 895.1 et seq.), Public Resources Code section 4528, subdivision (f), and the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.), unless specified otherwise. Definitions contained in Water Code Section 13050(d) controls for the purpose of the Timber Waiver.

### LIST OF ACRONYMS

ATV .....	All-Terrain Vehicle
BAER .....	U.S. Forest Service Burned Area Emergency Response
BMPEP.....	Best Management Practices Evaluation Program (U.S. Forest Service)
CAL FIRE .....	California Department of Forestry and Fire Protection
CCR .....	California Code of Regulations
CEQA .....	California Environmental Quality Act
CTL .....	Cut-to-Length harvesting equipment
CWPP .....	Community Wildfire Protection Plan
DBH .....	Tree Diameter at Breast Height
EHR	Erosion Hazard Rating
ELZ.....	Equipment Limitation Zone
FPRs .....	California Forest Practice Rules
HU .....	Hydrologic Unit
NEPA .....	National Environmental Policy Act
NPDES .....	National Pollutant Discharge Elimination System
NTMP .....	Nonindustrial Timber Management Plan
PRC .....	California Public Resources Code
RPF .....	Registered Professional Forester
SEZ .....	Stream Environment Zone (Lake Tahoe Hydrologic Unit Only)
SMZ .....	Streamside Management Zone
THP.....	Timber Harvest Plan
TMDL .....	Total Maximum Daily Load
TRPA .....	Tahoe Regional Planning Agency
WBBZ .....	Waterbody Buffer Zone

# **ATTACHMENT B**

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Attachment B  
California Regional Water Quality Control Board  
Lahontan Region

Determining Width of  
**Waterbody Buffer Zones**

**Conditional Waiver of Waste Discharge Requirements  
for Timber Harvest and Vegetation Management Activities**

The Timber Waiver contains conditions with specific equipment operation limitations and protections near waterbodies. Areas subject to these limitations and protections are called "Waterbody Buffer Zones."

One way to classify waterbodies is to categorize them as watercourses which tend to have permeable beds which connect surface waters to groundwater. A perennial stream is expected to flow throughout the year, albeit with only small dry-weather flows in some cases. An intermittent stream ceases to flow in dry periods. The flow may occur when the groundwater table is seasonally high, but there will not be flow when the groundwater table is significantly below the stream channel bed level. An ephemeral stream flows only after rain or snow-melt and has no base flow component. Because it may be difficult at times to determine when a watercourse is responding to specific groundwater conditions, this Timber Waiver classifies waterbodies by biological habitat and ability to transport sediment, as defined in the California Code of Regulations, title 14 (2013 Forest Practice Rules) Watercourse and Lake Protection Zones (WLPZs). See Table B1, below.

Waterbody Buffer Zones are similar to the U.S. Forest Service concept of a "Streamside Management Zone" (SMZ), which is a zone adjacent to waterbodies designated for special management controls aimed at protection and improvement of water quality. Unlike WLPZs, universal widths for SMZs are not specified, but developed on a project-specific basis taking into account factors such as stream class, channel aspect and stability, sideslope steepness, and slope stability. For clarity and conciseness, this Waiver uses the generic term Waterbody Buffer Zone (instead of WLPZ or SMZ) to identify Waiver-specific setback distances and to recognize that not all timber harvest and vegetation management activities regulated by this Timber Waiver are subject to the Forest Practice Rules (FPRs), or conducted by the U.S. Forest Service on U.S. Forest Service Lands.

Water Board staff will accept documents and timber waiver applications that use terminology other than "Waterbody Buffer Zones" as long as such zones or areas will not be smaller than the Waterbody Buffer Zones defined in Table B1, Waterbody Buffer Zone Widths. Such terminology may include Streamside Management Zone (SMZ), Riparian Conservation Area (RCA), and Watercourse and Lake Protection Zone (WLPZ).

Buffer Zone Designations for Class I and II Waters

Buffer Zone widths for Class I and II waters are equivalent to those in the 2013 FPRs, California Code of Regulations (CCRs), title 14, section 916.5, Table 1, "Procedures for Determining Watercourse and Lake Protection Zone Widths and Protective Measures [All Districts]."

**Buffer Zone Designations for Class III and IV Waters**

This waiver specifies the Water Body Buffer Zones for Class III and IV Waters in Table B1, below.

**Measuring Buffer Zone Widths**

Waterbody Buffer Zones must be measured along the surface of the ground from the watercourse or lake transition line (as defined in Attachment A, Definitions) or in the absence of riparian vegetation from the top edge of the watercourse bank (2013 FPRs, CCR, title 14, section 916.4, subdivision (b)(3)). Side slope is measured from the watercourse or lake transition line to a point 100 feet upslope from the watercourse or lake transition line, or, in the absence of riparian vegetation, from the top of the watercourse bank where slope configurations are variable, a weighted average method shall be used to determine the sideslope percent (2013 FPRs, CCR, title 14, section 916.5, subdivision (a)(3)).

**Table B1. Waterbody Buffer Zone Widths**

<b><u>TYPE OF WATERBODY:</u></b>	<b><u>DEFINITION:</u></b>								
<b>Class I</b>	(1) Domestic supplies, including springs, on site and/or within 100 feet downstream of the operations area, and/or (2) Fish always or seasonally present onsite, includes habitat to sustain fish migration and spawning. Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1								
<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th data-bbox="516 1188 922 1266"><b>Slope of land adjacent to watercourse or lake:</b></th> <th data-bbox="922 1188 1232 1266"><b>Buffer Zone width:</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="516 1266 922 1314" style="text-align: center;">&lt; 30%</td> <td data-bbox="922 1266 1232 1314" style="text-align: center;">75 feet</td> </tr> <tr> <td data-bbox="516 1314 922 1362" style="text-align: center;">30 – 50 %</td> <td data-bbox="922 1314 1232 1362" style="text-align: center;">100 feet</td> </tr> <tr> <td data-bbox="516 1362 922 1411" style="text-align: center;">&gt; 50 %</td> <td data-bbox="922 1362 1232 1411" style="text-align: center;">150 feet<sup>1</sup></td> </tr> </tbody> </table> <p style="text-align: right; margin-right: 100px;"><sup>1</sup> Subtract 50 feet width for cable yarding operations</p> <p>Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1</p>		<b>Slope of land adjacent to watercourse or lake:</b>	<b>Buffer Zone width:</b>	< 30%	75 feet	30 – 50 %	100 feet	> 50 %	150 feet <sup>1</sup>
<b>Slope of land adjacent to watercourse or lake:</b>	<b>Buffer Zone width:</b>								
< 30%	75 feet								
30 – 50 %	100 feet								
> 50 %	150 feet <sup>1</sup>								

<b><u>TYPE OF WATERBODY:</u></b>	<b><u>DEFINITION:</u></b>
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<b>Class II</b>	<p>(1) Fish always or seasonally present offsite within 1000 feet downstream, and/or</p> <p>(2) Aquatic habitat for nonfish aquatic species.</p> <p>(3) Excludes Class III waters that are tributary to Class I waters.</p> <p>Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1</p>
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<b>Slope of land adjacent to watercourse or lake:</b>	<b>Buffer Zone width:</b>
< 30%	50 feet
30 – 50 %	75 feet
> 50 %	100 feet <sup>2</sup>

<sup>2</sup> Subtract 25 feet width for cable yarding operations

Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1

<b>Class III</b>	<p>No aquatic life present, waterbody showing evidence of being capable of sediment transport to Class I and II waters under normal high water flow conditions after completion of timber operations.</p> <p>Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1, applied to all waterbodies.</p>
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<b>Slope of land adjacent to watercourse or lake:</b>	<b>Buffer Zone width:</b>
< 30 %	25 feet
≥ 30 %	50 feet

<b><u>TYPE OF WATERBODY:</u></b>	<b><u>DEFINITION:</u></b>
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<b>Class IV</b>	Man-made waterbodies, usually downstream, established domestic, agricultural, hydroelectric supply or other beneficial use. Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1, applied to all waterbodies.
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Slope of land adjacent to watercourse or lake:	Buffer Zone width:
< 30 %	25 feet
≥ 30 %	50 feet

<b>Unclassified</b>	<p>Has channel with evidence of having concentrated flowing water indicated by deposit of rock, sand, gravel, or soil. No aquatic life is present, shows no evidence of being capable of sediment transport to a higher order waterbody (Class I, II, or III). These features may have riparian plant communities present.</p> <p>No standard buffer zone width is designated. However timber harvest and vegetation management activities must be excluded from within the channel zone, except for use and maintenance of existing roads and crossings.</p>
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# **ATTACHMENT C**

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## Category 4 Application Form and Monitoring and Reporting Program

For Water Board staff use only;  WDID # _____  Date of Receipt: _____  Lead Water Board Staff: _____
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**Conditional Waiver of Waste Discharge Requirements  
for Timber Harvest and Vegetation Management Activities**  
*All requested information is required - Please type or print clearly in ink*

**1. Activity Name:**

**CAL FIRE Plan Number:** (If regulated by CAL FIRE, enter the number of the plan or exemption/emergency notice assigned to the activity if available. If a CAL FIRE number is not available, but the activity will proceed under an exemption or emergency, please state "CAL FIRE Exemption" or "CAL FIRE Emergency" in this box.)

**County:**

**2. Landowner's Contact Information:** (If there is more than one landowner, list their contact information in an addendum to this form.)

Name of individual, company, or agency:		
Company or agency contact:		
Address:		
City:	State:	Zip Code:
Phone/Fax:	E-mail address:	

**3. Name and Phone Number of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
Name:	Phone/Fax/E-Mail:

**If information requested in this form is included in existing documents or plans those documents may be used to substitute for information specifically requested in this form. These documents must be submitted to the Water Board and specifically referenced (by page number) within this application.**

**4. Summary of Activity Information:**

Total Activity Area Size (in acres):	Silvicultural prescription(s) or activity purpose:
Project Location (narrative description, e.g., township/range/section; Universal Transverse Mercator (UTM) geographic coordinates; nearby landmarks, highways, etc.):	
<hr/> <hr/> <hr/>	

Indicate type of yarding system(s) and equipment proposed for use (if any):

<u>Ground Based:</u>	<u>Cable:</u>	<u>Special:</u>
<input type="checkbox"/> Tractor, including end/long lining	<input type="checkbox"/> Cable, ground lead	<input type="checkbox"/> Hand crew
<input type="checkbox"/> Rubber tired skidder, Forwarder	<input type="checkbox"/> Cable, high lead	<input type="checkbox"/> Masticator
<input type="checkbox"/> Feller buncher	<input type="checkbox"/> Cable, skyline	<input type="checkbox"/> Chipper
		<input type="checkbox"/> Other: _____
		_____
		_____

Indicate project characteristics:

<input type="checkbox"/> Clearcut acres _____ (enter amount) <input type="checkbox"/> SEZ/WBBZ Operations <input type="checkbox"/> Herbicide Use <input type="checkbox"/> Winter Ops <input type="checkbox"/> Broadcast Burn <input type="checkbox"/> Pile Burn <input type="checkbox"/> Site Prep	<u>Roads and Landings:</u> <input type="checkbox"/> Roads Reconstructed <input type="checkbox"/> Roads in SEZ/WBBZ <input type="checkbox"/> Landings Constructed <input type="checkbox"/> Landings Reconstructed	<u>Soils and Slopes:</u> <input type="checkbox"/> EHR Low <input type="checkbox"/> EHR Mod <input type="checkbox"/> EHR High <input type="checkbox"/> EHR Extreme <input type="checkbox"/> Unstable Areas <input type="checkbox"/> Slopes >65% <input type="checkbox"/> Slopes >50% w/ Ground Ops
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**5. Waterbody Classification:** What types of waterbodies exist within the activity area?  
(Information on waterbody classification is provided in Attachment B.) Check all that apply:

<input type="checkbox"/> Class I	<input type="checkbox"/> Class II	<input type="checkbox"/> Class III
<input type="checkbox"/> Class IV	<input type="checkbox"/> Unclassified	<input type="checkbox"/> None within activity area
Nearest Class I watercourse name(s):		
<hr/>		
Calwater watershed name(s), if known:		

**6. Environmental Conditions:** Provide a narrative description of the existing watershed conditions including vegetation communities, forest stand density, geologic setting, wetland and riparian areas if present, and surface water and groundwater conditions.

(attach additional pages if necessary)

**7. Specific Activity Information:**

<b>Yes*</b>	<b>No</b>	Do existing roads and landings proposed for use exhibit signs of erosion or instability, including rills, gullies, or tension cracking?
<b>*If you answered yes to the above question, answer the following:</b>		
	<b>Yes</b>	<b>No</b>
	Could this erosion or instability result in sediment delivery to a waterbody? If yes, describe mitigation measures that will be implemented to stop the delivery of sediment to waterbodies, or drainage structures that drain to waterbodies:	
(attach additional pages if necessary)		
<b>Yes</b>	<b>No</b>	Do the activities include the repair or reconstruction of watercourse crossings? If yes, briefly explain what work is planned and where:
<b>Yes</b>	<b>No</b>	Do the activities include the repair or reconstruction of roads? If yes, briefly explain what work is planned and where:
<b>Yes</b>	<b>No</b>	Are equipment operations within the winter period anticipated?

Yes	No	Do the proposed timber harvest and vegetation management activities include prescribed fire? If yes, describe.
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**8. Timber Harvest and Vegetation Management Activities within SEZs/WBBZs:**

Describe what activities (e.g., timber removal, operation of equipment, chipping, prescribed fire) are planned within SEZs/WBBZs:

(attach additional pages if necessary)

- 9.**      **Do you anticipate the need to apply pesticides (as defined in Attachment A) to the activity area?**
- |         |    |   |
|---------|----|---|
| Yes     | No | If yes, please notify the Water Board staff in an addendum to this form, or in a separate notice, at least 30 days prior to the proposed application. See Condition 16 of the Timber Waiver on page 19. |
| or      |    |   |
| Unknown |    |   |

**10. Map of Activity Area:** To complete your application, include a USGS 7.5 minute topographic (or equivalent or greater scale) map that clearly indicates all of the information listed below. Map(s) that have been created as part of a CEQA, or other planning document, may substitute for creating an individual map for this application provided they meet the above scale requirements and include all of the information listed below. If any of the required elements are not provided please include an explanation in the box below.

- a. The activity area boundary.
- b. The relative location of the activity to a nearby city, town, or landmark.
- c. Location of private and public roads to be used within the activity area. Include the location of private and public roads that will be used to access the activity areas from a paved county, state, municipal, or federal road. Label the name or number of each road and indicate if such roads are under the ownership or control of the land owner or manager. (The appurtenant roads may be shown on a separate map which may be planimetric with a smaller scale.)
- d. Location of proposed timber harvest and vegetation management activities (including skid trails) within SEZs/WBBZs.
- e. Identify areas for possible landing construction.
- f. Location of all existing watercourse crossings.
- g. Approximate location of dry Class III watercourse crossings.
- h. Location of proposed temporary over-snow skid trail watercourse crossings (if known).
- i. Location, classification, and name (if applicable) of all waterbodies within the activity area.



**12. Certification:**

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of Category 4 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX.

Signature:	Date:
Printed Name & Title:	
Phone/Fax/E-Mail:	

## Monitoring and Reporting Program

Pursuant to Water Code section 13267, visual monitoring and semi-annual reporting are required for all activities that proceed under Category 4 of the Timber Waiver.

### Implementation Monitoring:

**Fall Implementation Monitoring:** Review Attachment D for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **January 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

**Daily Winter-Period Monitoring:** Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by **July 15**.

**Winter Implementation Monitoring:** Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

### Photo-Point Monitoring:

Photo-point monitoring is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during application review, agency consultation, or site visit). Please submit Attachment L with your application if you check either or both of the following boxes:

- Reconstruction of a bridge crossing over a watercourse
- Reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

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# **ATTACHMENT D**

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## Category 4 Implementation Monitoring Form

This form and associated monitoring must be completed before the winter period and submitted to the Water Board by January 15 as long as the project is covered under the Timber Waiver

**and**

at the conclusion of operations and submitted to the Water Board with the required Notice of Completion Form (Attachment M)

*Please type or print clearly in ink*

**Implementation monitoring** consists of visual monitoring of activity areas, roads, stream crossings, landings, etc., to ensure all management practices designed to prevent sediment delivery and protect water quality (e.g., erosion control measures, riparian buffers, waterbreaks, critical dips) are in place and secure. Pursuant to Water Code section 13267, this form, or an alternate form or report containing equivalent information, must be submitted by **January 15**.

1. **Activity Name:**

2. **WDID Number:**

3. This monitoring is being completed because:  
 Timber harvest and vegetation management activities have been completed and this monitoring is being conducted to satisfy the monitoring required for termination of Timber Waiver Coverage. Operations were completed on: \_\_\_\_\_  
 Timber harvest and vegetation management activities have commenced prior to the winter period of this year and monitoring is required to ensure necessary management measures have been implemented prior to the onset of winter weather.

4. **Inspector's name and title:**

**Date of inspection:**

5. **All landings within the activity area:** Inspected:  None within plan area:

Yes No **Are all landings adequately stabilized to prevent sediment delivery to a surface water?** (e.g., are all waterbreaks properly installed)

Additional notes:

6. **All skid trails:** Inspected:  None within plan area:

Yes No **Are all skid trails adequately stabilized to prevent sediment delivery to a surface water?** (e.g., are all waterbreaks properly installed)

Additional notes:

**7. All roads:**

Inspected:

None within plan area:

Yes No

**Are all roads segments** (including those used for timber operations within the plan area, and roads appurtenant to operations where such roads are under the ownership or control of the landowner or manager) **adequately stabilized to prevent sediment delivery to a surface water?**

Additional notes:

**8. All Watercourse Crossings:**

Inspected:

None within plan area:

Yes

No

**Have all watercourse crossings and associated fills and approaches been stabilized to prevent diversion of stream overflow down the road and to minimize fill erosion and delivery to a waterbody if the drainage structure became plugged?**

Yes

No

**Are all necessary critical dips properly installed?** (A properly installed critical dip, or other overflow structure, should be on the downhill side of all crossings.)

Yes

No

**Is there any risk of stream diversion during a high runoff event?**

Yes

No

**Is road runoff disconnected before it reaches the watercourse crossing?** (For example, are waterbreaks (i.e., rolling dips or waterbars) placed on the approaches to the crossing so that runoff and sediment is filtered prior to potential discharge to a waterbody? It may be impossible to disconnect all of the road drainage from the watercourse. However, the length of road draining to the stream should be kept to a minimum.)

Yes

No

**Are all fill slopes adequately armored or stabilized?**

Yes

No

**Are all watercourse crossings** (including culverts) **clear of debris** (so as to prevent plugging or diversion)?

Yes

No

**N/A Have all over-snow skid trail watercourse crossings been removed such that the natural flow of water within the watercourse channel will not be obstructed or diverted?** (All temporary fills should be excavated to form a channel that is as close as feasible to the natural watercourse grade and width without disturbing watercourse bed or banks)

Additional notes on watercourse crossings within the plan area:

(attach additional pages if necessary)

**9. Yes No**

**Does chipped material exceed an average depth of two inches, with a maximum depth of four inches, within Waterbody Buffer Zones?**

**10. Yes No**

**Have constructed fuel breaks been adequately stabilized** (i.e., have effective waterbreaks been constructed)?

11. Yes No **Did you observe any signs of sediment delivery or potential sediment delivery** (e.g., failed stream banks, rills, gullies, unstable spoils, tension cracks) **within the activity area?**

If yes, please describe the sediment sources (and their location) and what corrective measures have been taken, or are planned, to prevent impacts to water quality and to maintain compliance with the Timber Waiver:

(attach additional pages if necessary)

12. Yes No **Have all management practices** (e.g., riparian buffers, erosion control measures, water bars, critical dips) **been implemented to prevent sediment delivery to surface waters?**

If not, please explain what corrective measures will be taken to maintain compliance with the Timber Waiver and to prevent impacts to water quality:

(attach additional pages if necessary)

13. Any other additional notes regarding implementation monitoring, or the activity area in general:

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 4 of the Timber Waiver. If any deviation from the submittals to the Water Board, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Phone/Fax/E-Mail: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

# **ATTACHMENT E**

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## Categories 4 and 6 Daily Winter Period Monitoring Program

*Daily Monitoring only required during days of equipment operation  
during the winter period*

Pursuant to 13267 of the California Water Code, daily monitoring is required for all activities covered under Category 4 or 6 of the Timber Waiver for days of tractor, vehicle, or equipment operation within the winter period (as defined in Attachment A).

This monitoring program consists of daily completion of the following checklist, and has been developed to assure compliance with the Water Quality Control Plan for the Lahontan Region (Basin Plan) and to verify the adequacy and effectiveness of the Timber Waiver conditions and eligibility criteria pursuant to Water Code section 13269, subdivision (a)(2).

In the interest of not requiring redundant monitoring during extended dry periods, daily monitoring is only required beginning with the first National Weather Service forecast of 30% chance of precipitation (<http://www.nws.noaa.gov/>). If 7 days of dry weather persists and soils are operable after a precipitation event you may cease monitoring until next time National Weather Service forecasts a 30% chance of precipitation.

Accumulated monitoring data must be retained by the enrollee and submitted **July 15** of every year.

Note: This form will also be available in Spanish at <http://www.waterboards.ca.gov/lahontan/>

# Category 4 and 6 Daily Winter Operations Monitoring Checklist

This checklist must be completed daily when equipment is operated during the winter period

Example

**Activity Name and WDID**

**Number:** \_\_\_\_\_

Inspector's name & Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Day of operation:	10/17											
Field condition: operable soil <sup>1</sup> , hard-frozen <sup>2</sup> , or over snow <sup>3</sup> :	Dry											
Is any precipitation forecasted within the next 36 hours? (Y/N)	N											
Average depth of accumulated or machine compacted snow in area of operations:	N/A											
If operating over the snow or over hard-frozen soil conditions: Was soil disturbance observed today? <sup>4</sup>	N/A											
Inspector's Initials	JD											

<sup>1</sup> **Over operable soil conditions:** Soils are operable (i.e., means vehicles, tractors, and other equipment operating on soils and native surface roads under wet conditions must not create ruts exceeding two inches in depth and 25 feet in length ).

<sup>2</sup> **Over hard-frozen soil conditions:** soils and road surfaces in areas of equipment operations are solidly frozen to a depth sufficient to support the weight of operating equipment.

<sup>3</sup> **Over snow:** Snow depth is sufficient to allow the operation of equipment without resulting in visible disturbance of soils.

<sup>4</sup> If soil disturbance is observed: Detail when, where, and why these disturbances occurred and what corrective actions were taken to prevent impacts to water quality. **Retain this information within the monitoring file. If a discharge of sediment to a waterbody has occurred you must contact Water Board staff within 24 hours of detection at (530)542-5400.**

# **ATTACHMENT F**

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# Category 5 Application Form and Monitoring and Reporting Program

for CAL FIRE–Approved Plans

## Conditional Waiver of Waste Discharge Requirements for Timber Harvest and Vegetation Management Activities

*Please type or print clearly in ink*

For Water Board staff use only;
WDID # _____
Date of Receipt: _____
Lead Water Board Staff: _____

1. **Plan Name:**

**CAL FIRE Issued Plan Number:**

2. **Name and Contact Information of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
Address:	
Name:	Phone/Fax/E-Mail:
Address:	

I, the Landowner, or agent thereof, hereby agree to meet the conditions and eligibility criteria of Category 5 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX.

Signature:	Date:
Printed Name and Title:	
Phone/Fax/E-Mail:	

### Plans located in the Lake Tahoe or Truckee River Hydrologic Units Only:

If your plan includes any of the following activities within the 100-year floodplain and/or stream environment zone (SEZ), please contact Water Board staff immediately to discuss required submittals and to initiate the public announcement/review (10 days) required prior to Water Board staff review and approval:

- enlargement of existing permanent watercourse crossings on existing roads
- construction of new permanent watercourse crossings
- construction of temporary roads

- construction of temporary watercourse crossings to remain in place longer than one season
- construction of skid trails
- construction of new waterholes
- pile burning
- conventional equipment operated off-road in SEZs or floodplains

Review Attachment N for more information on how Water Board policies may apply to your proposed activities. Please contact Water Board staff as soon as possible if you are planning any timber harvest or vegetation management activities within the 100-year floodplain or stream environment zone within the Lake Tahoe or Truckee River Hydrologic Units.

## Monitoring and Reporting Program

Pursuant to Water Code section 13267 visual monitoring and semi-annual reporting are required for all activities that proceed under Category 5 of the Timber Waiver.

### Implementation Monitoring:

**Fall Implementation Monitoring:** Review Attachment G for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **February 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

**Winter Implementation Monitoring:** Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

### Forensic and Effectiveness Monitoring:

Forensic and effectiveness monitoring is required if **any** of the following conditions exist within the plan. If none of these conditions exist, then only Implementation monitoring is required. Please check which of the following conditions exist within the plan:

- Construction or re-construction of watercourse crossings over Class I, II or Class IV (with domestic use) watercourses
- Ground based equipment operations within waterbody buffer zone(s) or SEZs beyond an existing road prism
- Winter operations
- Mechanical site preparation
- Road construction or re-construction within 150 feet of a Class I, II or IV (with domestic use) waterbody
- Landing construction or re-construction within waterbody buffer zone(s) or SEZs
- Ground-based equipment operations in areas classified High or Extreme Erosion Hazard Rating
- Ground-based equipment operations on slopes over 50 percent
- Ground-based equipment operations on slopes over 30 percent in the Lake Tahoe Basin

**Forensic Monitoring:** Review Attachment I for monitoring required after significant rain events. This monitoring must be reported to the Water Board by **July 15** of each year.

**Effectiveness Monitoring:** Review Attachment J for monitoring required at the end of the winter period each year. This monitoring must be reported to the Water Board by **July 15**.

### **Photo-Point Monitoring:**

Photo-point monitoring is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during the interdisciplinary review team process or site visit). Please submit Attachment L with your application if you check either or both of the following boxes:

- Construction or reconstruction of a bridge crossing over a watercourse
- Construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

### **Request for modified monitoring and reporting program:**

Subject to approval by the Executive Officer, you may request to modify, reduce, or remove monitoring and/or reporting conditions for your plan. Your request must include a description of what you are proposing and why it is warranted for your plan.

As specified in Timber Waiver Category 5 Condition #10, there are two specific instances where enrollees may temporarily suspend required effectiveness and forensic monitoring:

- a) under certain extended periods where no site activities will occur from the last effectiveness monitoring after ground disturbing activities are completed until the stocking activities have resumed; or
- b) in those instances where project operations have commenced and are then subsequently suspended indefinitely by events above and beyond the control of the enrollee (e.g., large wildfires flooding mills with “black logs” while green logs are refused).

Under either of these temporary monitoring suspensions, the enrollee must agree that no project-related equipment shall enter the project sites during these periods of inactivity, either on or off roads. Although monitoring has been suspended, the enrollee must continue to submit the required annual monitoring forms, noting these periods of inactivity on the forms and including an explanation for the temporary suspension. During these interim periods, the Timber Waiver will remain in effect and monitoring will resume either at the request of Water Board staff at any time (e.g., if a large storm event occurred during this period) or when on site equipment operations have resumed.

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# **ATTACHMENT G**

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## Fall Implementation Monitoring Form

### Categories 5 and 6

**This form and associated monitoring must be completed before the winter period (as defined in Attachment A) and submitted to the Water Board by January 15**

*Please type or print clearly in ink*

**Fall implementation monitoring** is visual monitoring of timber harvest and vegetation management areas, roads, stream crossings, landings, etc., to ensure all management practices designed to prevent sediment delivery and protect water quality (such as erosion control measures, riparian buffers, water bars, critical dips) are in place and secure prior to the winter period (as defined in Attachment A).

Fall implementation monitoring and reporting is required every year for the duration of the activity and until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff. This complete form must be submitted in accordance with the requirements of this monitoring and reporting program.

1. **Activity/Plan Name:**

2. **WDID Number:**

3.  Yes  No Have timber harvest and vegetation management activities under this activity/plan commenced?

If **yes**, please complete this form and associated monitoring.

If **no**, when are operations anticipated to begin (if known)? \_\_\_\_\_

If operations have not commenced by November 15, you are not required to complete the remainder of this form, please sign the landowner signature box at the bottom of page 4, and submit to the Water Board by January 15.

4. **Inspector's name and title:**

**Date of inspection:**

**All of the following sites) must be inspected before the Winter Period, or indicated as not present within the activity area:**

5. **Watercourse crossings:** Inspected:  None within area:

Yes No **Have all watercourse crossings and associated fills and approaches been constructed or reconstructed to prevent diversion of stream overflow down the road and to minimize fill erosion and delivery to a waterbody if the drainage structure became plugged?**

Yes No **Are all necessary critical dips properly installed?** (A properly installed critical dip, or other overflow structure, should be on the downhill side of all crossings.)

Yes No **Is there any risk of stream diversion during a high runoff event?**



**8. All existing and constructed landings:**

Inspected:

None within area:

Yes	No	<b>Are all landings adequately stabilized (as defined in Attachment A) to prevent sediment delivery to a waterbody?</b>
Additional notes on existing and constructed landings within the activity area:		

**9. All existing and constructed skid trails:**

Inspected:

None within area:

Yes No **Are all skid trails adequately stabilized to prevent sediment delivery to a waterbody? (e.g., are all water bars properly installed)**

Additional notes on existing and constructed skid trails within the activity area:
--

**10. Status of all known or suspected landslides near roads, streams, or ground-based equipment operations:**

Inspected:

None within area:

Additional notes landslides within the activity area:

Additional notes landslides within the activity area:
---

**11. All unstable areas:**

Inspected:

None within area:

Yes No **Were unstable areas avoided during timber harvest and vegetation management activities? (Unless allowed in the approved plan, make sure that timber harvest and vegetation management activities did not occur in unstable areas.)**

Yes No **If timber harvest and vegetation management activities are permitted within unstable areas, have all site-specific mitigations listed within the approved plan been implemented?**

Additional notes on unstable areas within the activity area:

Additional notes on unstable areas within the activity area:
--



(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Phone/Fax/E-mail: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

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# **ATTACHMENT H**

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## Winter Implementation Monitoring Form

### Categories 4, 5, and 6

This form and associated monitoring must be completed at the conclusion of winter operations, or by April 1, whichever is sooner, and submitted to the Water Board by July 15

*Please type or print clearly in ink*

Winter implementation monitoring is only required if you conducted winter period operations, and consists of visual monitoring of areas where winter operations have occurred. This inspection should verify all management measures designed to prevent sediment delivery and protect water quality are in place and secure at the conclusion of winter operations.

1. Activity/Plan Name:

2. WDID Number:

3. Inspector's name and title:

Date of inspection:

4. Yes No **Have all watercourse crossings and associated fills and approaches been constructed or reconstructed to prevent diversion of stream overflow and to minimize fill erosion and delivery to a waterbody if the drainage structure becomes plugged?** If no, please explain in an addendum to this form how stream diversion or obstruction and/or sediment delivery to a watercourse will be prevented.

5. Yes No **Have all necessary critical dips been properly installed?** If no, please explain in an addendum to this form why they have not been installed and/or when they will be installed.

6. Yes No Not applicable to this activity **Have all temporary over-snow skid trail watercourse crossings been removed without disturbing soils or damaging watercourse bed or banks?** If no, please explain in an addendum to this form what actions have been taken to resolve watercourse bed or bank disturbance, or when temporary crossings will be removed.

7. Yes No Not applicable to this activity **Has all snow movement, plowing, packing, and/or cutting associated with timber harvest and vegetation management activities allowed for adequate road drainage and dissipation of snowmelt or runoff?** If no, please explain in an addendum to this form why road drainage and runoff dissipation is inadequate, and when it will be resolved.

8. Yes No Not applicable to this activity **Have all culverts and drainage structures been cleared of debris, packed snow, and ice?** If no, please explain in an addendum to this form why, and when this work will be implemented.
9. Yes No Not applicable to this activity **Have all areas subject to burn pile placement or prescribed fire operations been stabilized to prevent sediment delivery to watercourses?** If no, please explain in an addendum to this form why, and when this work will be implemented.

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the submittals to the Water Board, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Phone/Fax/E-mail: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

# **ATTACHMENT I**

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## Forensic Monitoring Form

### Categories 5 and 6

**This form and associated monitoring must be completed soon after two significant rain (> 2 inches) and/or snow-melt events and submitted annually to Water Board by July 15**

*Please type or print clearly in ink*

**Forensic monitoring:** is conducted soon after significant rain or snow-melt events and consists of visual monitoring of:

- surface waters
- watercourse crossings
- landings
- burned areas
- unstable areas
- roads
- waterbody buffer zones
- skid trails

The purpose of this monitoring is to:

- (1) detect elevated turbidity levels in surface waters, and locate sources of sediment discharges;
- (2) determine the condition of installed management measures,
- (3) detect failure to implement necessary management measures,
- (4) detect water quality impacts caused by failed management measures,
- (5) detect water quality impacts related to legacy timber activities and general timber harvest and vegetation management activities; and
- (6) identify sources of potential sediment delivery in a timely manner so that corrective action may be taken to avoid sediment discharges to water bodies.

This monitoring must be conducted at least twice each year and reported on July 15 for the duration of timber harvest and vegetation management activities and until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff. This form or report containing equivalent information must be completed and signed.

Forensic monitoring is required for activities that proceed under Category 5 or 6 until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff.

**Activity Name:**

**WDID Number:**

Yes  No Have timber harvest and vegetation management activities commenced?

If **yes**, please complete this form and associated monitoring.

If **no**, when are operations anticipated to begin (if known)? \_\_\_\_\_

If operations have not commenced by May 1, you are not required to complete the remainder of this form, please sign the landowner signature box at the bottom of page 8 and submit to the Water Board by July 15<sup>th</sup>.

## Inspection #1

Within 36 hours of a significant rain (>2 inches in 24 hours) or snow-melt event inspect accessible areas and waterbodies immediately downstream of operations and complete the following:

1. **Inspector's name and title:**

2. **Date of inspection:**

3. **Weather Observations and Precipitation Levels:**

(Some of this information may be obtained at the following webpage: <http://water.weather.gov/>)

Stream Stage (select one):	<input type="checkbox"/> Dry	<input type="checkbox"/> Low	<input type="checkbox"/> Moderate	<input type="checkbox"/> High	<input type="checkbox"/> Flooding
Precipitation (select one):	<input type="checkbox"/> None	<input type="checkbox"/> Drizzle	<input type="checkbox"/> Rain	<input type="checkbox"/> Snow	
Date of and approximate amount of last precipitation:	(This information may be obtained at the following webpage: <a href="http://water.weather.gov/">http://water.weather.gov/</a> )				
Accumulated precipitation this season:	_____ inches of		<input type="checkbox"/> Rain	<input type="checkbox"/> Snow	
(This information may be obtained at the following webpage: <a href="http://water.weather.gov/">http://water.weather.gov/</a> )					
Additional notes on weather and precipitation:					

**Inspect all the following areas and infrastructure within the activity area if accessible.**

Use the space following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, if they were not accessible for inspection, and if evidence of erosion or delivery to a waterbody are observed.

Look for signs of erosion and transport of sediment to a waterbody. These signs may include:

- landsliding
- erosion voids
- tension cracking or settling of road fill or sidecast
- rilling or gullying of road surfaces, road fills, landings, cutbanks, etc.
- increased levels of sediment/turbidity in waterbodies immediately downstream of operations

If evidence of sediment erosion and delivery to a waterbody are observed:

- Identify the waterbody and describe specific locations within or adjacent to the waterbody.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.
- Report discharges by telephone (530) 542-5400 no later than 24 hours after detection.

If increased levels of sediment/turbidity are observed in neighboring waterbodies:

- Describe where and in which waterbody.

- Explain if this turbidity is a result of sediment discharges from within the activity area. Is the sediment coming from a hillslope feature such as a stream crossing or unstable area? Cause-and-effect can be determined if the water becomes noticeably muddy below a hillslope feature.
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.

If any erosion or failed management measures cause sediment delivery to a waterbody, then photo-point monitoring is required using the Photo-Point Monitoring Form (Attachment L).

**Forensic monitoring requirements are waived if significant environmental impacts would result from road system use to access the activity area, or if worker safety would be compromised.** If these areas are not accessible for monitoring, please indicate why. Acceptable reasons may include:

- Significant environmental impacts would result from road system use to access the activity area or waterbodies immediately downstream of operations.
- Worker safety would be compromised.

**4. Areas where timber harvest and vegetation management activities have been conducted within or near unstable areas.**

<input type="checkbox"/> none exist
(attach additional pages if necessary)

**5. Constructed or re-constructed watercourse crossings.**

<input type="checkbox"/> none exist
(attach additional pages if necessary)

**6. Waterbody Buffer Zones (WBBZs) or Stream Environment Zones (SEZs) where ground based equipment operations (e.g., skid trail crossings) or use of prescribed fire have occurred .**

<input type="checkbox"/> none exist
(attach additional pages if necessary)

**7. Road construction or reconstruction within 150 feet of a Class I, II, or IV (with domestic use) watercourse.**

none exist

(attach additional pages if necessary)

**8. Landing construction or reconstruction within WBBZs or SEZs.**

none exist

(attach additional pages if necessary)

**9. Areas classified as high or extreme erosion hazard rating where ground-based equipment has been operated and there is potential for water quality impacts.**

none exist

(attach additional pages if necessary)

**10. Areas of in-lieu practices that have the potential to impact water quality.**

none exist

(attach additional pages if necessary)

**11. For Category 5 Projects only: If the enrollee has suspended forensic monitoring during an interim period per Timber Waiver Category 5 Condition #10 and the directions at the bottom of the Timber Waiver Category 5 Application Form, please note these periods of inactivity and include an explanation for the temporary suspension in the box below.**

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Phone/Fax/E-Mail: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

## Inspection #2

Within 36 hours of a significant rain (>2 inches in 24 hours) or snow-melt event inspect accessible areas and waterbodies immediately downstream of operations and complete the following:

1. **Inspector's name and title:**

2. **Date of inspection:**

3. **Weather Observations and Precipitation Levels:**

(Some of this information may be obtained at the following webpage: <http://water.weather.gov/>)

Stream Stage (select one):	<input type="checkbox"/> Dry	<input type="checkbox"/> Low	<input type="checkbox"/> Moderate	<input type="checkbox"/> High	<input type="checkbox"/> Flooding
Precipitation (select one):	<input type="checkbox"/> None	<input type="checkbox"/> Drizzle	<input type="checkbox"/> Rain	<input type="checkbox"/> Snow	
Date of and approximate amount of last precipitation: _____ (This information may be obtained at the following webpage: <a href="http://water.weather.gov/">http://water.weather.gov/</a> )					
Accumulated precipitation this season: _____ inches of <input type="checkbox"/> Rain <input type="checkbox"/> Snow (This information may be obtained at the following webpage: <a href="http://water.weather.gov/">http://water.weather.gov/</a> )					
Additional notes on weather and precipitation:   					

**Inspect all the following areas and infrastructure within the activity area if accessible.**

Use the space following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, if they were not accessible for inspection, and if evidence of erosion or delivery to a waterbody are observed.

Look for signs of erosion and transport of sediment to a waterbody. These signs may include:

- landsliding
- erosion voids
- tension cracking or settling of road fill or sidecast
- rilling or gullying of road surfaces, road fills, landings, cutbanks, etc.
- increased levels of sediment/turbidity in waterbodies immediately downstream of operations

If evidence of sediment erosion and delivery to a waterbody are observed:

- Identify the waterbody and describe specific locations within or adjacent to the waterbody.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.
- Report discharges by telephone (530) 542-5400 no later than 24 hours after detection.

If increased levels of sediment/turbidity are observed in neighboring waterbodies:

- Describe where and in which waterbody.

- Explain if this turbidity is a result of sediment discharges from within the activity area. Is the sediment coming from a hillslope feature such as a stream crossing or unstable area? Cause-and-effect can be determined if the water becomes noticeably muddy below a hillslope feature.
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.

If any erosion or failed management measures cause sediment delivery to a waterbody, then photo-point monitoring is required using the Photo-Point Monitoring Form (Attachment L).

**Forensic monitoring requirements are waived if significant environmental impacts would result from road system use to access the activity area, or if worker safety would be compromised.** If these areas are not accessible for monitoring, please indicate why. Acceptable reasons may include:

- Significant environmental impacts would result from road system use to access the activity area or waterbodies immediately downstream of operations.
- Worker safety would be compromised.

**4. Areas where timber harvest and vegetation management activities have been conducted within or near unstable areas.**

<input type="checkbox"/> none exist
(attach additional pages if necessary)

**5. Constructed or re-constructed watercourse crossings.**

<input type="checkbox"/> none exist
(attach additional pages if necessary)

**6. Waterbody Buffer Zones (WBBZs) or Stream Environment Zones (SEZs) where ground based equipment operations (e.g., skid trail crossings) or use of prescribed fire have occurred .**

<input type="checkbox"/> none exist
(attach additional pages if necessary)

**7. Road construction or reconstruction within 150 feet of a Class I, II, or IV (with domestic use) watercourse.**

none exist

(attach additional pages if necessary)

**8. Landing construction or reconstruction within WBBZs or SEZs.**

none exist

(attach additional pages if necessary)

**9. Areas classified as high or extreme erosion hazard rating where ground-based equipment has been operated and there is potential for water quality impacts.**

none exist

(attach additional pages if necessary)

**10. Areas of in-lieu practices that have the potential to impact water quality.**

none exist

(attach additional pages if necessary)

**11. For Category 5 Projects only: If the enrollee has suspended forensic monitoring during an interim period per Timber Waiver Category 5 Condition #10 and the directions at the bottom of the Timber Waiver Category 5 Application Form, please note these periods of inactivity and include an explanation for the temporary suspension in the box below.**

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Phone/Fax/E-Mail: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

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# **ATTACHMENT J**

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## Effectiveness Monitoring Form

### Categories 5 and 6

**This form and associated monitoring must be completed soon after the winter period, between March 15 and June 15, and submitted to Water Board by July 15**

*Please type or print clearly in ink*

**Effectiveness monitoring:** is a visual evaluation of management measures (e.g., erosion control structures) and infrastructure (e.g., roads and watercourse crossings) within the activity area following the winter period, typically between March 15 and June 15, to determine the effectiveness of implemented management measures in preventing sediment discharge to surface waters and protecting water quality, and to identify any points of sediment delivery that may have developed during the winter. Effectiveness monitoring and reporting is required annually for the duration of the timber harvest and vegetation management activities and one spring season following completion of timber harvest and vegetation management activities.

As soon as possible, following the winter period, inspect the activity area and complete this form or report containing equivalent information. However, do not access the site if soils are saturated, if significant environmental impacts would result from road system use, or if worker safety would be compromised.

Management measures are considered to be effective if they result in compliance with the provisions and conditions contained in the Timber Waiver. The landowner should focus on the following areas and inspect them for signs of sediment delivery to watercourses.

1. **Activity/Plan Name:**   
**WDID Number:**

2. **Inspector's name and title:**   
**Date of inspection:**

3. **Weather Observations and Precipitation Levels:** Complete the following based on site-specific observations and/or local weather data.

Accumulated precipitation this season: \_\_\_\_\_ inches of  Rain  Snow

(This information may be obtained at the following webpage: <http://water.weather.gov/>)

Additional notes on weather and precipitation:

**Inspect all the following areas and infrastructure within the activity area once conditions allow.**

Use the box spaces following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, if they were not accessible for inspection, and to indicate if evidence of erosion or delivery to a waterbody is observed. During your inspection, look for signs of erosion and transport of sediment to a waterbody. These signs may include:

- Landslides
- Erosion voids
- Tension cracking or settling of road fill or sidecast
- Rilling or gulying of road surfaces, road fills, landings, cutbanks, etc.
- Increased levels of sediment in waterbodies immediately downstream of operations

If evidence of sediment erosion and delivery of waste to waterbodies are observed:

- Submit a map indicating where this occurred.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Submit a narrative description of what occurred, and how and when corrective measures will be taken to stop sediment delivery and protect water quality.

If any evidence of failed management measure is observed:

- Submit a map and narrative that show and describe what management practice failed and its location within the activity area.
- Submit a description of what and when corrective measures will be taken to stop and/or prevent sediment delivery and protect water quality.

4. Constructed or re-constructed watercourse crossings. None exist

(attach additional pages if necessary)

5. WBBZ and SEZ landing management measures and equipment operation areas. None exist

(attach additional pages if necessary)

6. Areas of in-lieu practices that have the potential to impact water quality. None exist

(attach additional pages if necessary)

7. Equipment operations on steep slopes or unstable areas. None exist

(attach additional pages if necessary)

8. Pile placement and burning within WBBZs and/or SEZs None exist

Date piles created: \_\_\_\_\_ Date piles burned: \_\_\_\_\_  
Date of burn area inspection: \_\_\_\_\_

If piles have been burned, complete the following:

- A) Were all burn scars raked to 85% coverage with native duff or organic mulch and seed post-burning? ( Y / N ): \_\_\_\_\_ Date(s) raked: \_\_\_\_\_
- B) If A) is No, what is status of vegetative recovery throughout the burn scars in terms of species composition, diversity, abundance, and surface cover relative to vegetative community in adjacent unburned areas?
- C) Are invasive species present in any burn scars? ( Y / N ) \_\_\_\_\_
- D) If C) is Yes, attach a corrective action plan and schedule for implementation of the corrective action plan.
- E) Is there evidence of ash, charred material, or sediment movement off of any burn scars? ( Y / N ) \_\_\_\_\_
- F) If E) is Yes, describe where material moved, potential for delivery to surface water, and attach a corrective action plan and an implementation schedule for the plan if necessary.

(attach additional pages if necessary)

9. For Category 5 Projects only: If the enrollee has suspended effectiveness monitoring during an interim period per Timber Waiver Category 5 Condition #10 and the directions at the bottom of the Timber Waiver Category 5 Application Form, please note these periods of inactivity and include an explanation for the temporary suspension in the box below.

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Phone/Fax/E-Mail: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

# **ATTACHMENT K**

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## Category 6 Application Form and Monitoring and Reporting Program

<p style="text-align: right; margin: 0;">For Water Board staff use only;</p> <p>WDID # _____</p> <p>Date of Receipt: _____</p> <p>Lead Water Board Staff: _____</p>
---

### Conditional Waiver for Timber Harvest and Vegetation Management Activities

*All requested information is required - Please type or print clearly in ink*

**1. Activity Name:**

**CAL FIRE Plan Number:** (If regulated by CAL FIRE, enter the number of the plan or exemption/emergency notice assigned to the activity if available. If a CAL FIRE number is not available, but the activities will proceed under an exemption or emergency, please state "CAL FIRE Exemption" or "CAL FIRE Emergency" in this box.)

**County:**

**2. Landowner's Contact Information:** (If there is more than one landowner, list their contact information in an addendum to this form.)

Name of individual, company, or agency:		
Company or agency contact:		
Address:		
City:	State:	Zip Code:
Phone:	E-mail address (optional):	

**3. RPF, Federal Forestry Professional, or Natural Resource Professional Contact Information:**

Name:	RPF License Number:	
Address:		
City:	State:	Zip Code:
Phone/Fax:	E-mail address:	

**4. Name and Phone Number of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
-------	-------------------

Name:	Phone/Fax/E-Mail:
-------	-------------------

**If information requested in this form is included in existing documents or plans those documents may be used to substitute for information specifically requested in this form. These documents must be submitted to the Water Board and the requested information must be specifically referenced (by page number) within this application.**

**5. Summary of Activity Information:**

Total Activity Area Size (in acres):	Silviculture prescription(s) or activity purpose:
Project Location (narrative description, e.g., township/range/section; Universal Transverse Mercator (UTM) geographic coordinates; nearby landmarks, highways, etc.):	

Indicate type of yarding system(s), equipment, and operations proposed for use (if any):

<p><u>Ground Based:</u></p> <input type="checkbox"/> Tractor, including end/long lining <input type="checkbox"/> Rubber tired skidder, Forwarder <input type="checkbox"/> Feller buncher  <input type="checkbox"/> Clearcut Acres # of clearcut acres: _____ <input type="checkbox"/> SEZ/WBBZ Ops <input type="checkbox"/> Herbicide Use <input type="checkbox"/> Winter Ops <input type="checkbox"/> Mechanical Site Prep <input type="checkbox"/> Broadcast Burn <input type="checkbox"/> Pile Burn <input type="checkbox"/> Site Prep	<p><u>Cable:</u></p> <input type="checkbox"/> Cable, ground lead <input type="checkbox"/> Cable, high lead <input type="checkbox"/> Cable, skyline  <p><u>Roads &amp; Landings:</u></p> <input type="checkbox"/> Roads Constructed <input type="checkbox"/> Roads Reconstructed <input type="checkbox"/> Roads in SEZ/WBBZ <input type="checkbox"/> New Road Length: _____ lineal feet: _____ <input type="checkbox"/> Landings Constructed <input type="checkbox"/> Landings Reconstructed	<p><u>Special:</u></p> <input type="checkbox"/> Hand crew <input type="checkbox"/> Masticator/Chipper <input type="checkbox"/> Helicopter <input type="checkbox"/> Other: _____ _____ _____  <p><u>Soils &amp; Slopes:</u></p> <input type="checkbox"/> EHR Low <input type="checkbox"/> EHR Mod <input type="checkbox"/> EHR High <input type="checkbox"/> EHR Extreme <input type="checkbox"/> Unstable Areas <input type="checkbox"/> Slopes >65% <input type="checkbox"/> Slopes >50% w/ Ground Ops
---	---	--

**6. Waterbody Classification:** What types of waterbodies exist within the activity area? (Information on waterbody classification is provided in Attachment B.) Check all that apply:

<input type="checkbox"/> Class I	<input type="checkbox"/> Class II	<input type="checkbox"/> Class III
<input type="checkbox"/> Class IV	<input type="checkbox"/> Unclassified	<input type="checkbox"/> None within activity area
Nearest Class I watercourse name: _____		
Calwater Watershed Name(s), if known: _____		

**7. Environmental Conditions:** Provide a narrative description of the existing watershed resources and conditions including vegetation communities, forest stand density, geologic setting, wetland and riparian areas if present, and surface water and groundwater.

(attach additional pages if necessary)

**8. Prescribed fire:**

**8.a.**   Yes     No     N/A     **Do Project activities include prescribed fire? If No, proceed to Item 9, otherwise continue.**

**8.b.**   Yes     No  
         Upland   WBBZ   SEZ     **Do Project activities include broadcast burning?  
If Yes, where will broadcast burning occur? Check all that apply.**

**8.c.**   Yes     No  
         Upland   WBBZ   SEZ     **Do Project activities include pile burning?  
If Yes, where will pile burning occur? Check all that apply.**

**8.d.**   Yes     No     N/A     **If the Project includes pile burning in an SEZ or WBBZ does it adhere to the requirements in Attachment Q?**

**8.e.**   Yes     No     N/A     **If the Project includes pile burning in an SEZ does the Project meet the requirements for an automatic Basin Plan Prohibition Exemption as described in Attachment N? (only applies to Lake Tahoe Hydrologic Unit)**

**8.f. Please provide a description of fire operations in SEZ and WBBZ areas including:**

- i. Methods of treatment**
- ii. Approximate acreage of SEZ/WBBZ treatment area within the Project boundary**
- iii. Approximate percent of SEZ/WBBZ treatment area to be covered in piles**
- iv. Anticipated Option to be employed per Attachment Q, Item d.**
- v. If using Option 2 (Attachment Q, Item d), provide methods or criteria for determining vegetative recovery of burn scars**
- vi. Expected percent of material in piles that will exceed 9" diameter**
- vii. Anticipated schedule for burn pile placement and burning**
- viii. Design features or mitigation measures other than those in Attachment Q**

**(attach additional pages if necessary)**

**8.g. Please provide a description of fire operations in upland areas (areas outside of SEZs/WBBZs) including:**

- i. Methods of treatment**
- ii. Approximate acreage subject to prescribed fire treatment**
- iii. Anticipated schedule for burn pile placement and burning**
- iv. Design features or mitigation measures other than those in Attachment Q**

**(attach additional pages if necessary)**

**9. Specific Activity Information:**

<b>Yes*</b>	<b>No</b>	Do existing roads and landings proposed for use exhibit signs of erosion or instability, including rills, gullies, or tension cracking?	
<b>*If you answered yes to the above question, please answer the following:</b>			
	Yes	No	Could this erosion or instability result in sediment delivery to a waterbody? If yes, describe mitigation measures that will be implemented to stop the delivery of sediment to waterbodies, or drainage structures that drain to waterbodies:
			(attach additional pages if necessary)

**10. Provide activity information below as required in conditions 2 through 5 on pages 27 and 28 of the Timber Waiver:**

(attach additional pages if necessary)

11. **Yes**    **No**    **Are operations within the winter period (as defined in Attachment A) proposed?**

If yes, what management practices have been incorporated to prevent soil disturbance and sediment delivery to waterbodies?

(attach additional pages if necessary)

12. **Yes**    **No**    **Do you anticipate the need to apply pesticides (as defined in Attachment A) to the activity area?**

or  
Unknown

If yes, please notify the Water Board staff in an addendum to this form, or in a separate notice, at least 30 days prior to the proposed application. See Condition 21 of the Timber Waiver on page 26.

**13. Map of Activity Area:** To complete your application, include a USGS 7.5 minute topographic (or equivalent or greater scale) map that clearly indicates all of the information listed below. Map(s) that have been created as part of a CEQA or other planning document, may substitute for creating an individual map for this application provided they meet the above scale requirements and include the information. If any of the required elements are not provided please include an explanation in the box below.

- a. The activity area boundary.
- b. The relative location of the activities to a nearby city, town, or landmark.
- c. Location of private and public roads to be used within the activity area. Include the location of private and public roads that will be used to access the activity areas from a paved county, state, municipal, or federal road. Label the name or number of each road and indicate if such roads are under the ownership or control of the land owner or manager. (The appurtenant roads may be shown on a separate map which may be planimetric with a smaller scale.)
- d. Location of road failures on existing roads proposed for reconstruction.
- e. Location of new temporary and permanent roads to be constructed.
- f. Location of proposed operations, including prescribed fire, within Waterbody Buffer Zones (WBBZs) and Stream Environment Zones (SEZs).
- g. Location of proposed landing construction or reconstruction where greater than ¼ acre of excavation, grading, or surface clearing will occur **or** identify areas of possible landing construction.
- h. Location of all existing and proposed watercourse crossings, except for skid trail watercourse crossings.
- i. Approximate location of skid trail watercourse crossings.
- j. Location of erosion hazard rating areas, if more than one rating exists.
- k. Location of known unstable areas or slides.
- l. Boundaries of yarding (logging) systems, if more than one system is to be used.
- m. Location of proposed temporary over-snow skid trail watercourse crossings (if known).
- n. Location of marshes, meadows, springs, and other wet areas within the activity area.
- o. Location, classification, and name (if applicable) of all waterbodies within the activity area. (Information on waterbody classification is provided in Attachment B.) Complete the following if the activity area does not include a waterbody:

Name of nearest downstream waterbody:	
Classification:	
Distance from activity boundary:	

Explain why any of the mapping requirements above are not provided:

(attach additional pages if necessary)

**14. Certifications:**

I, the  Registered Professional Forester,  Federal Forestry Professional, or  Natural Resource Professional, hereby certify that the information in sections 7, 8, and 9 of this application accurately represents site conditions and that my assessments made above are true and correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of Category 6 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Phone/Fax/E-Mail: \_\_\_\_\_

## Monitoring and Reporting Program

Pursuant to Water Code section 13267, visual monitoring and semi-annual reporting are required for all activities that proceed under Category 6 of the Timber Waiver.

### Implementation Monitoring:

**Fall Implementation Monitoring:** Review Attachment G for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **January 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

**Daily Winter-Period Monitoring:** Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by **July 15**.

**Winter Implementation Monitoring:** Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

### Forensic and Effectiveness Monitoring:

Forensic and effectiveness monitoring is required if **any** of the following conditions exist within the plan. If none of these conditions exist, then only Implementation monitoring is required.

- Construction or re-construction of watercourse crossings over Class I, II or Class IV (with domestic use) watercourses
- Ground based equipment operations within Waterbody Buffer Zone(s) (WBBZs) or Stream Environment Zones (SEZs) beyond an existing road prism
- Pile placement and burning within WBBZs or SEZs
- Winter operations
- Mechanical Site Preparation
- Road construction or re-construction within 150 feet of a Class I, II or IV (with domestic use) waterbody
- Landing construction or re-construction within WBBZs or SEZs
- Ground-based equipment operations in areas classified High or Extreme Erosion Hazard Rating
- Ground-based equipment operations on slopes over 50 percent
- Ground-based equipment operations on slopes over 30 percent in the Lake Tahoe Basin

**Forensic Monitoring:** Review Attachment I for monitoring required after significant rain events. This monitoring must be reported to the Water Board by **July 15** of each year.

**Effectiveness Monitoring:** Review Attachment J for monitoring required at the end of the winter period each year. This monitoring must be reported to the Water Board by **July 15**.

### **Photo-Point Monitoring:**

Photo-point monitoring is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during application review, agency consultation, or site visit). Please submit Attachment L with your application if you check either or both of the following boxes:

- Construction or reconstruction of a bridge crossing over a watercourse
- Construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

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# **ATTACHMENT L**

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## Photo-Point Monitoring Form

*To be included with either:  
Fall Implementation,  
Winter Implementation, or  
Winter Forensic and Spring Effectiveness  
Monitoring Submittal*

*Please type or print clearly in ink, and attach all printed photos (labeled) or photos on CD (labeled)*

If required, photo-point monitoring reports (with photos and data sheet) must be submitted with all monitoring reports submitted to the Water Board. **Complete sections 1 and 2 of this page once, and submit with your Timber Waiver Application Form.**

### 1. Identification of Photo-Point Monitoring Locations:

List all photo-point (PP) monitoring locations below with a brief description of what is located at that particular point (e.g., "Span crossing at Class I watercourse").

PP monitoring locations must include all:

- Locations where span watercourse crossings will be constructed or reconstructed.
- Locations where watercourse crossings will be constructed or reconstructed using a 24-inch or greater diameter culvert.
- Points requested by Water Board staff.

PP #1:

PP #2:

PP #3:

PP #4:

(attach additional pages if necessary)

**All PP monitoring locations must also be identified on a map that is included with this form and in the field with rebar, flagging, or other method that will last the duration of timber harvest and vegetation management activities. Where possible, PP photographs should be taken from the same exact location, direction, height, and time of day each time, and taken when the sun's rays or shadows do not obscure points of interest.**

### 2. Photo-Point Monitoring Purpose and Frequency:

To complete required photo-monitoring, PP monitoring must be completed for all points:

- prior to initiation of activities at the point
- during fall and winter implementation monitoring
- during forensic monitoring (if water quality problems are observed)
- during effectiveness monitoring.

## Photo-Point Monitoring Data Sheet

1. **Activity Name:**

**WDID Number:**

**Monitoring Type:**  Pre-Implementation  Forensic  Effectiveness  
 Implementation

**Inspector's name and title:**

**Date of inspection:**

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	<input type="text"/>		

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	<input type="text"/>		

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	<input type="text"/>		

Point No. (as indicated on map)	:	_____	Reason point identified	:	_____
Date photo taken:	_____	Time photo taken:	_____		
Observations/Notes:	_____				

Point No. (as indicated on map)	:	_____	Reason point identified	:	_____
Date photo taken:	_____	Time photo taken:	_____		
Observations/Notes:	_____				

Point No. (as indicated on map)	:	_____	Reason point identified	:	_____
Date photo taken:	_____	Time photo taken:	_____		
Observations/Notes:	_____				

Point No. (as indicated on map)	:	_____	Reason point identified	:	_____
Date photo taken:	_____	Time photo taken:	_____		
Observations/Notes:	_____				

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# **ATTACHMENT M**

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## Notice of Activity Completion Form

To Certify Completion and Compliance with the Conditional Waiver for Timber Harvest and  
Vegetation Management Activities and

Apply for Termination of Coverage, Monitoring, and Reporting Requirements  
for All Activities Requiring Notification of Completion (Categories 4-6)

*Please type or print clearly in ink*

1. **Project Name:**

**WDID Number:**

2. **Date Activities Completed:**

3. **Landowner:**

Name of individual, company, or agency:	
Phone:	E-mail address (optional):

4. **Name and Phone Number of Contact Person(s):** (List the primary person(s)  
supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
Name:	Phone/Fax/E-Mail:

5. **Activity Waiver Category:** (under which category did the activities proceed?)

- Category 4: Timber harvest and vegetation management activities which rely on existing roads, meet 10 criteria, and may include winter-period operations
- Category 5: CAL FIRE – Approved Plans
- Category 6: Timber harvest and vegetation management activities that do not qualify under categories 1 – 5

6. Attach completed implementation monitoring form (Attachment D for Category 4 and Attachment G for Category 5 and 6). Enrollees who completed timber harvest and vegetation management activities under Category 5 and 6 are required to complete effectiveness monitoring (Attachment J) between March 15 and June 15 the season following completion of timber harvest and vegetation management activities and submit a report of such monitoring to the Water Board by July 15 the following year.

For projects that included pile burning in SEZs/WBBZs operating under Attachment Q Item d. Option 2), submit the monitoring form substantiating vegetative recovery of burn scars within two growing seasons after pile burning, or documentation that burn scars have had native duff raked into them as required under Attachment Q Item d. Option 2).

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that the timber harvest and/or vegetation management activities for the above-referenced activity (plan) were conducted in conformance with applications and submittals to the Water Board and all general conditions and category-specific conditions and criteria of the Conditional Waiver of Waste Discharge Requirements for Discharges from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, for which my project was enrolled.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

When your project activities have been completed, submit a copy of this Notice of Activity Completion Form (NoAC), and, for CAL FIRE-approved plans, include a copy of the completed CAL FIRE Timber Operations Work Completion and/or Stocking Report (RM-71), signed by the CAL FIRE Director. Upon receipt of both this NoAC and the CAL FIRE-signed RM-71 (if applicable), and prior to approving or declining termination, Water Board staff will review submittals and may inspect the project or plan area. All monitoring and reporting requirements for the project will remain in effect until Water Board staff formally acknowledges termination of Timber Waiver coverage with a Notice of Termination addressed to the landowner, unless the Landowner, agent thereof, or Land Manager has specifically requested and been granted a stay of effectiveness monitoring during periods of inactivity (see discussion under "Effectiveness Monitoring" on Attachment F, Category 5 Application Form and Monitoring and Reporting Program).

**DO NOT WRITE IN THIS BOX: For Water Board Staff Use Only.**

Date NoAC Form Received: \_\_\_\_\_ Lead Staff: \_\_\_\_\_

CAL FIRE Timber Operations Work Completion and/or Stocking Report (RM-71):

RM-71 included with NoAC (if applicable)?  Yes  No  Not Applicable

RM-71 Signed by CAL FIRE Director?  Yes  No

Date Signed RM-71 Received: \_\_\_\_\_

Site Inspection?  No  Yes Date: \_\_\_\_\_

Staff Notes:

**NOTICE OF TERMINATION:**

This Notice of Activity Completion Form, including the final RM-71 (if applicable), have been reviewed, and I  inspected  did not inspect] the activity site. Based on my review, I am:

- terminating coverage under the Timber Waiver (Board Order No. R6T-2014-00XX) for this activity. All applicable monitoring and reporting requirements are complete for this activity.
- not terminating coverage and requiring further monitoring pursuant to Water Code section 13267.
- terminating coverage and requiring a Report of Waste Discharge pursuant to California Water Code section 13260.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Effective Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Entered into CIWQS

# **ATTACHMENT N**

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Attachment N  
California Regional Water Quality Control Board  
Lahontan Region

WASTE DISCHARGE PROHIBITION INFORMATION FOR ACTIVITIES IN  
FLOODPLAINS OF THE LITTLE TRUCKEE OR TRUCKEE RIVER HYDROLOGIC UNITS,  
OR STREAM ENVIRONMENT ZONES AND FLOODPLAINS OF THE LAKE TAHOE  
HYDROLOGIC UNIT  
AND GRANTING OF A PROHIBITION EXEMPTION FOR SLASH PILING AND  
BURNING IN STREAM ENVIRONMENT ZONES

Conditional Waiver of Waste Discharge Requirements for Timber Harvest and  
Vegetation Management Activities

To protect beneficial uses and achieve water quality objectives, the Basin Plan contains prohibitions against waste discharges to lands within 100-year floodplains in the Little Truckee, Truckee River, and Lake Tahoe Hydrologic Units (HUs), and prohibitions against "permanent disturbance" in Stream Environment Zones (SEZs) in the Lake Tahoe HU. These prohibitions may apply to certain timber harvest and vegetation management activities conducted in these areas.

This attachment:

1. Summarizes discharge prohibitions and available exemptions.
2. Outlines the types of activities that may require an exemption, and describes the general procedure for obtaining an exemption.
3. Makes required findings and grants a prohibition exemption for slash piling and burning in Tahoe Basin SEZs.
4. Specifies the types of activities and conditions that may proceed in 100-year floodplains and SEZs without triggering the need to obtain an exemption.

## 1. Waste Discharge Prohibitions and Exemptions

### Little Truckee and Truckee River HU

#### *100-year Floodplains*

Chapter 4 (pages 4.1-4 and 4.1-7) of the Basin Plan specifies the following discharge prohibitions:

Page 4.1-5 4(c). "The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Little Truckee River or any tributary to the Little Truckee River is prohibited."

Page 4.1-7 4(c). "The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited."

Chapter 4 (pages 4.1-5 and 4.1-6) provides that exemptions may be granted for a number of categories of projects, the following of which are most applicable to timber harvest and vegetation management activities conducted under the Timber Waiver:

- 1) Projects solely intended to reduce or mitigate existing sources of erosion or water pollution or to restore the functional value to previously disturbed floodplain areas.
- 2) Bridge abutments, approaches, or other essential transportation facilities identified in an approved county general plan.
- 3) Projects necessary to protect public health or safety or to provide essential public services.

### Lake Tahoe HU

#### *100-year Floodplains*

Chapter 5 (page 5.2-3) of the Basin Plan specifies the following discharge prohibitions for activities within 100-year floodplains:

“8. The discharge, or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand and other organic and earthen materials to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited.”

Chapter 5 (page 5.7-6) provides that exemptions may be granted for a number of categories of projects, the following of which are most applicable to timber harvest and vegetation management activities in 100-year floodplains conducted under the Timber Waiver (as numbered in the Basin Plan):

- 2) Public service facilities if: (a) the project is necessary for public health, safety or environmental protection, (b) there is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in the floodplain, and (c) impacts on the floodplain are minimized.
- 4) Erosion control projects, habitat restoration projects, SEZ restoration projects and similar projects provided that the project is necessary for environmental protection and there is no reasonable alternative which avoids or reduces the extent of encroachment in the floodplain.

#### *Stream Environment Zones*

Chapter 5 (page 5.2-4) of the Basin Plan specifies the following discharge prohibitions for activities within SEZs of the Lake Tahoe HU:

“13. The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay,

rock, metal, plastic, or other organic, mineral or earthen materials, to Stream Environment Zones in the Lake Tahoe basin is prohibited."

"New development" as used in the Prohibition 13 above means ". . . construction activity resulting in permanent soil disturbance . . . New development does not include maintenance or repair of an existing structure or the replacement of any existing structure with another structure on the same parcel of no greater land coverage." (Basin Plan page 5.2-4). This means that if an activity occurs in an SEZ that does not result in permanent disturbance, the prohibition is not violated.

Chapter 5 (page 5.8-7) provides that exemptions may be granted for a number of categories of projects, the following of which are most applicable to timber harvest and vegetation management activities conducted under the Timber Waiver:

1. For public service facilities if all of the following findings can be made:
  - a. The project is necessary for public health, safety or the environment;
  - b. There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment;
  - c. The impacts are fully mitigated; and
  - d. SEZ lands are restored in an amount 1.5 times the area of land developed or disturbed by the project
2. For erosion control projects, habitat restoration projects, wetland restoration projects, SEZ restoration projects, and similar projects, programs and facilities, if all of the following findings can be made:
  - a. The project, program, or facility is necessary for environmental protection;
  - b. There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the SEZ; and
  - c. Impacts are fully mitigated

According to the Basin Plan, impacts to SEZs due to erosion control projects, habitat restoration projects, wetland restoration projects, or SEZ restoration projects do not need to meet the 1.5:1 restoration requirement.

## **2. Types of Activities Which May Be Eligible for a Discharge Prohibition Exemption**

The nature of certain timber harvest and vegetation management projects makes them eligible for exemptions to the above-described prohibitions. Such eligible projects may include:

- Timber harvest and vegetation management projects to reduce fuel loading that are identified in a community wildfire protection plan

- Improvement of a stream crossing on an existing road to benefit water quality
- Timber harvest and vegetation management projects for aspen regeneration or improvement of riparian conditions
- Construction of an approach or bridge abutment within a 100-year floodplain to conduct timber harvest or vegetation management activities. (Such approaches or bridge abutments do not have to be identified in a county general plan)
- Timber harvest and vegetation management activities to protect forest values, such as wildlife habitat

Examples of activities conducted within 100-year floodplains or in SEZs that would require an exemption include:

- Enlargement of existing permanent watercourse crossings and/or roads
- Construction of temporary roads
- Construction of new waterholes within the 100-year floodplain
- Construction of temporary watercourse crossings and associated approaches in place longer than one season
- Construction of skid trails
- Slash piling and burning not conducted in accordance with Timber Waiver Category 6 and Attachment Q.
- Conventional equipment operated off-road in SEZs or floodplains

For project activities not covered by the prohibition exemption granted pursuant to No. 3, below, project applicants may request a prohibition exemption for timber harvest and vegetation management activities. The project applicants must provide Water Board staff with the information needed to justify the exemption, and allow for a 10-day public review and comment period for a proposed prohibition exemption. The Water Board's Executive Officer is authorized to grant these exemptions; therefore, no Water Board public hearing is typically required. Activities subject to the prohibitions may not proceed until Water Board authorization is granted.

### **3. Required Findings and Granting of Discharge Prohibition Exemption for Tahoe Basin SEZ Slash Piling and Burning done in Accordance with Category 6 of Timber Waiver and Attachment Q**

Timber Waiver enrollees may propose slash piling and burning within SEZs in the Lake Tahoe Basin. The Basin Plan prohibits permanent disturbance or fill within SEZs, unless the Water Board grants an exemption to this prohibition. Timber Waiver Attachment Q requires the Enrollee to implement specific management actions for slash piling and burning within SEZs to protect sensitive soils and water quality. To allow for the timber harvest and vegetation management activities under this Timber Waiver, the Water Board makes the following findings for a prohibition exemption to the Basin Plan prohibitions against permanent disturbance or fill within SEZs.

**a. The project is necessary for public health, safety, or environmental protection.**

The purposes of a project proposing slash piling and burning within SEZs must be to:

- develop defensible space within SEZs adjacent to communities within the Lake Tahoe Basin where fire suppression operations can be safely and effectively conducted in order to protect homes and communities from wildfires; and/or
- restore forest health within SEZs of the Lake Tahoe Basin where stands of trees have become sufficiently dense and surface fuels have accumulated to such a degree that wildfires with sustained crown fire and long range spotting could quickly develop, causing severe resource damage and threatening human life and property; and/or
- restore meadows and aspen stands within the Lake Tahoe Basin in order to reduce the potential for catastrophic wildfire to spread through these areas, to promote maintenance of meadows and aspen stands consistent with the TRPA and/or Pacific Southwest Research Station's "Aspen Community Mapping and Condition Assessment Report," and to provide wildlife habitat for species that are dependent on meadows and/or aspen.

The 2000 Lake Tahoe Watershed Assessment (Watershed Assessment) noted that the Tahoe Basin has one of the highest fire ignition rates in the Sierra Nevada, concentrated around the Wildland Urban Interface (WUI). The Watershed Assessment projected that "should a fire escape initial control attempts under extreme wildfire conditions, at least 50 percent of the area in the resulting burn would likely be crown fire, with overstory tree mortality greater than 50 percent ... Even a small wildfire in the basin is potentially a significant event because of the juxtaposition of high ignition potential, high density and value of human developments, and high fuel hazard." The recommendation from the Watershed Assessment was "A combination of increased fire prevention, education, and strategic fuel hazard reduction will be most effective at reducing the likelihood of damaging fire in the basin." Some timber harvest and vegetation management activities will therefore result in increased environmental protection and improvement (specifically within the units where riparian enhancement will occur). A project proposing slash piling and burning within SEZs to develop defensible space, restore forest health, or restore meadows and aspen stands is therefore necessary for public health and safety, and environmental protection.

**b. There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment.**

To reduce the threat of a catastrophic wildfire, restore forest health, or remove encroaching conifers within meadows and aspen stands, the project's proposed timber harvest activities may include the removal of dead, dying, and diseased vegetation, ladder fuels, or other excessive and undesirable vegetation from SEZs within the WUI. To minimize impacts from these affected project areas, the Enrollee must be allowed to pile and burn slash within SEZs, or else forest health will not improve and the fuels may not otherwise be removed, remaining a fire hazard.

The proposed slash piling and burning within SEZs would be limited to hand work, in order to reduce or avoid the extent of encroachment by vehicles and road construction into the SEZs. The use of hand crews within the SEZs to remove the threat of a catastrophic wildfire involves the labor-intensive piling and burning of dead and dying fuels. Burn piles must be stacked and later burned within SEZs due to the safety limitations placed on hand crews to move the slash acceptable distances. Alternately, the use of whole tree logging mechanical equipment to remove the slash from SEZs may have more negative consequences than pile burning, due to potential compaction and disturbance of these sensitive soils.

**c. The impacts are fully mitigated.**

Attachment Q, "Required Management Actions for Pile Burning within Waterbody Buffer Zones, and Stream Environment Zones to Qualify for a Basin Plan Prohibition Exemption under Timber Waiver Category 6," describes the specific management actions, which, when implemented in conjunction with the requirements of this Timber Waiver, will ensure that significant effects are avoided. No more than 15% of any acre can be burned each year, and no more than 15% of an acre, or SEZ/WBBZ contiguous area if smaller than one acre, can have burn scars at any time unless the scars have vegetative recovery (as defined in Attachment A). By limiting the extent of burn scars allowed within the SEZs at any given time, these requirements provide assurance that significant effects are avoided. Burn scars must have vegetative recovery (as defined in Attachment A) before any additional burning may occur. Timber Waiver Attachment Q requires that native duff, or organic mulch and seed, be raked into burn scars to a specified coverage percentage if vegetative recovery of the burn scar has not occurred within two growing seasons. This treatment can be effective in reducing erosion and accelerating native plant cover restoration following SEZ pile burning.

The Timber Waiver requires enrollees to verify that the implemented BMPs are successful in avoiding significant impacts to soil stability, soil productivity, and riparian plant growth. Results from this monitoring will be used to either support the current BMPs, or to modify them through an adaptive management strategy to provide additional protection and mitigation measures in SEZs. The Timber Waiver also requires 100 percent of the BMPs associated with all project activities be properly implemented and functional. The Timber Waiver requires enrollees to monitor the effectiveness of their BMPs and identify areas that need to be strengthened, and prescribes Forensic Monitoring to determine the source of any impact or potential impact in order to correct the problem.

**d. SEZ lands are restored in an amount 1.5 times the area of land developed or disturbed by the project**

Proposed timber harvest and vegetation management activities in SEZs will reduce surface and ladder fuels, reducing the potential loss of riparian and SEZ habitat through a catastrophic fire, and will reduce stand mortality by reducing stand density, thus

reducing competition for water and nutrients and increasing resistance to drought, insect invasions, and disease. Removing shade-tolerant species while retaining jeffrey, ponderosa, and sugar pine will produce a healthier ecological species balance in these sensitive areas.

Additionally, aspen regeneration projects that reduce encroaching conifers in aspen stands and meadows will restore riparian species dominance within these areas, restoring natural functionality within the treated SEZ and riparian areas.

This Timber Waiver mandates that no more than 30 percent of an SEZ acre may be covered in burn piles and only 15 percent of any SEZ acre may have burn scars at any time that are not in a stage of vegetative recovery (Attachment Q). Piles need to cure and are generally burned within two or three years after being built. The piling and burning in this manner limits the overall disturbance, provides conservation of biomass, and enhances the vegetative recovery.

The Basin Plan exemption criteria for permanent disturbance to SEZs from public service facilities requires restoration of SEZ lands at a ratio of 1.5 to 1. The Water Board finds that the area to be covered in burn piles is considered a temporary, not permanent, disturbance due to the relatively rapid recovery of the soils following the burning of the piles and application of the management actions outlined in Attachment Q. The Water Board has also determined that the improvement of forest health and fire safety within the SEZ compensates for the temporary SEZ soil disturbance created by the SEZ burn piles.

#### **e. PROHIBITION EXEMPTION GRANTED**

Based on Findings made here, and the requirements of Timber Waiver Attachment Q, the Water Board hereby grants an exemption to the Basin Plan prohibition for permanent disturbance in SEZs by the placement and burning of slash piles within SEZs, for activities proposed in Timber Waiver Category 6 applications, as long as those activities adhere to the requirements of Attachment Q. To comply with this SEZ prohibition exemption, the Enrollee must not exceed the slash piling and burning limitations specified in these Findings and Attachment Q, and the Enrollee must include applicable project information in its Category 6 application to describe that it will not exceed these limitations.

This Timber Waiver shall not create a vested right to discharge waste and all such discharges shall be considered a privilege, as provided for in Water Code section 13263, subdivision (g). The Water Board Executive Officer may terminate the applicability of the Timber Waiver described herein to any activity at any time when such termination is in the public interest and/or the activity could affect the quality of waters of the state for beneficial uses.

#### **4. Activities Not Requiring a Discharge Prohibition Exemption**

Timber harvest and vegetation management activities listed below in Table N1, when conducted in compliance with the Timber Waiver and the conditions specified in Table N1, do not result in discharges in conflict with the above waste discharge prohibitions. Therefore, they **do not require a prohibition exemption** and may proceed as part of a project permitted under this Timber Waiver without any additional notification or authorization.

**Table N1: Timber Harvest and Vegetation Management Activities within SEZs and 100-year Floodplains in the Truckee and Lake Tahoe Hydrologic Units (HUs) Which Do Not Violate Waste Discharge Prohibitions.**

Activity	100-year Floodplains (Lake Tahoe and Truckee HUs)	Stream Environment Zones (Lake Tahoe HU)
1. Hand crew operations (except for slash piling and burning)	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of applicable Waiver Category.	
2. Over-snow equipment operation (no placement of slash within SEZs or 100 year floodplains)	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of applicable Waiver Category.	
3. Operations on existing roads	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of applicable Waiver Category.	
4. Broadcast Burning	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of applicable Waiver Category.	
5. Operation of cut-to-length equipment with less than 13 psi ground pressure on granitic soils off existing roads in SEZs and 100-year floodplains	<p>Prohibited discharges to 100-year floodplains do not occur if activities meet all the following conditions:</p> <ul style="list-style-type: none"> <li>a. Soils are operable (as defined in Attachment A).</li> <li>b. Equipment is kept at least 25 feet from watercourse channels.</li> <li>c. Slash mats are employed or sufficient ground cover exists to prevent direct contact of equipment tires/tracks with the ground surface, and discharge of earthen materials to surface waters.</li> <li>d. Eligibility criteria and conditions of applicable Waiver Category are met.</li> </ul>	<p>Permanent disturbance in SEZs does not occur if activities meet all the following conditions:</p> <ul style="list-style-type: none"> <li>a. Soils are operable (as defined in Attachment A).</li> <li>b. Equipment is kept at least 25 feet from watercourse channels.</li> <li>c. Slash mats are employed or sufficient ground cover exists to prevent direct contact of equipment tires/tracks with the ground surface and, discharge of earthen materials to surface waters.</li> <li>d. Eligibility criteria and conditions of applicable Waiver Category are met.</li> </ul>
6. Construction and removal of temporary watercourse crossings	<p>Prohibited discharges to 100-year floodplains do not occur if activities meet all the following conditions:</p> <ul style="list-style-type: none"> <li>a. Temporary stream crossings are constructed with clean cobbles or logs. If sand or soil is used as running surface, BMPs must be in place (e.g. filter cloth, brow logs) to prevent discharge of earthen materials to surface waters.</li> <li>b. Stream crossings are completely removed at the end of</li> </ul>	<p>Permanent disturbance in SEZs does not occur if activities meet Basin Plan Section 5.13 criteria:</p> <p>"Crossing of perennial streams or other wet areas shall be limited to improved crossings in accordance with the [TRPA] BMP handbook or to temporary bridge spans that can be removed upon project completion or the end of the work season, whichever is sooner, and damage to SEZ associated with a temporary</p>

Activity	100-year Floodplains (Lake Tahoe and Truckee HUs)	Stream Environment Zones (Lake Tahoe HU)
	<p>operations, or prior to the winter period (as defined in Attachment A), whichever is sooner.</p> <p>c. Eligibility criteria and conditions of applicable Waiver Category are met.</p>	<p>crossing shall be restored within one year of removal."</p>
<p>7. Placement of chips or masticated material</p>	<p>Prohibited discharges to 100-year floodplains do not occur if activities meet a. or b., and c. below:</p> <p>a. Chips or masticated material is incorporated into the soil, or</p> <p>b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and</p> <p>c. Eligibility criteria and conditions of applicable Waiver Category are met.</p>	<p>Placement of chips or masticated material does not result in "permanent soil disturbance" in SEZs if activities meet a. or b., and c. below:</p> <p>a. Chips or masticated material is incorporated into the soil, or</p> <p>b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and</p> <p>c. Eligibility criteria and conditions of applicable Waiver Category are met.</p>
<p>8. Repair or replacement of permanent crossings for existing roads, when new crossing is same size as existing.</p>	<p>Prohibited discharges to 100-year floodplains do not occur if activities do not involve the loss of additional floodplain area or volume (Basin Plan Sections 4.1 and 5.2)</p>	<p>Permanent disturbance to SEZs does not occur from maintenance, repair, or replacement of an existing structure that does not result in greater land coverage (Basin Plan 5.2).</p>
<p>9. Waterhole Maintenance or Repair</p>	<p>Prohibited discharges to 100-year floodplains do not occur from maintenance or repair of an existing waterhole within the original footprint.</p>	<p>Permanent disturbance to SEZs does not occur from maintenance or repair of an existing waterhole within the original footprint.</p>

Notes:

1. For equipment use on steep slopes in the Lake Tahoe HU, refer to the Basin Plan or the TRPA code of ordinances for prohibitions and exemption criteria.
2. Water Board will consider new information to update this list. The Water Board, after a public hearing, may amend the Timber Waiver to modify the above list.

# **ATTACHMENT O**

**THERE'S NO ATTACHMENT O FOR THE PROPOSED ITEM**

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# **ATTACHMENT P**

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Attachment P  
California Regional Water Quality Control Board  
Lahontan Region

**SUMMARY OF MONITORING AND REPORTING REQUIRED FOR CATEGORIES 4, 5, AND 6:**

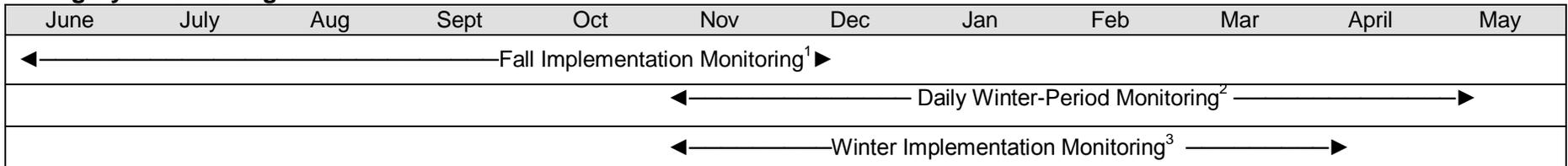
**Reporting Required:**

Category	Due annually by January 15 for duration of activities:	Due annually by July 15 for duration of activities:	Due upon completion:	Due by July 15 the year following completion of activities:
4	Fall Implementation Monitoring Report (Attachment D)	<b>If required:</b> Daily winter-period (Attachment E) and Winter Implementation (Attachment H) Monitoring Reports	Implementation Monitoring Report (Attachment D) & Activity Completion Form (Attachment M)	Not applicable
5	Fall Implementation Monitoring Report (Attachment G)	<b>If required:</b> Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J)	Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M)	<b>If required:</b> Effectiveness Monitoring Report (Attachment J)
6	Fall Implementation Monitoring Report (Attachment G)	<b>If required:</b> Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J) Daily winter-period monitoring report (Attachment E)	Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M)	<b>If required:</b> Effectiveness Monitoring Report (Attachment J)

Photo-point monitoring is required prior to commencement of timber harvest and vegetation management activities, and during implementation, forensic, and effectiveness monitoring for any activity that includes any of the following: (1) the construction or reconstruction of a span crossing over a watercourse, or (2) the construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter. Photo-point monitoring may also be required upon the request of Water Board staff. Please submit Attachment L with your Timber Waiver application if photo-point monitoring is required for your project.

Additional activity-specific monitoring may be imposed pursuant to California Water Code 13267.

**Category 4 Monitoring:**

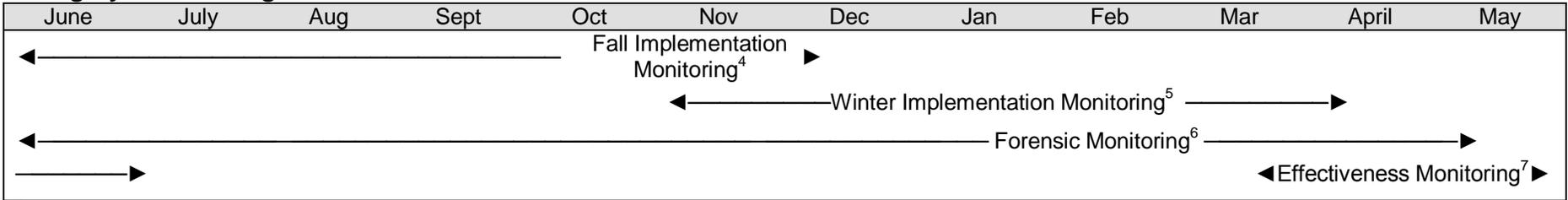


<sup>1</sup> Field work for implementation monitoring must be completed by November 15.

<sup>2</sup> Daily winter-period monitoring required only on days of equipment operation between November 15 and April 1 (or October 15 and May 1 in Tahoe/Truckee)

<sup>3</sup> Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (between October 15 and May 1 for Tahoe/Truckee).

**Category 5 Monitoring:**



<sup>4</sup> Field work for fall implementation monitoring must be completed by November 15.

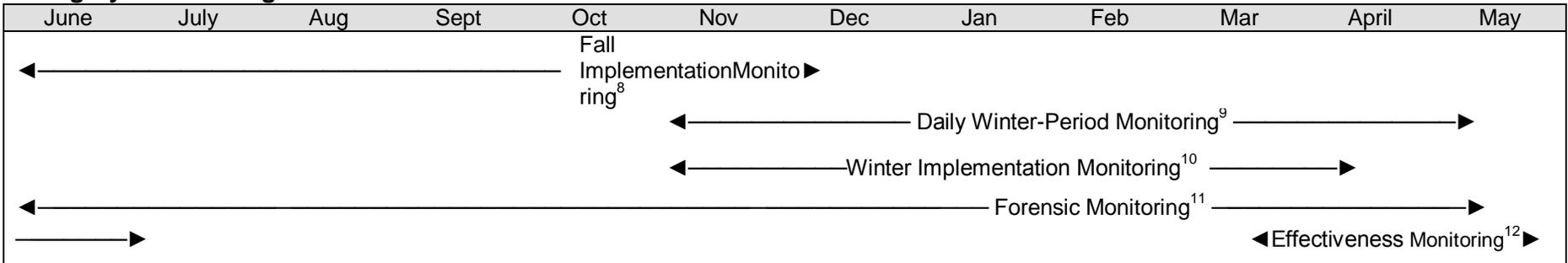
<sup>5</sup> Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (between October 15 and May 1 for Tahoe/Truckee).

<sup>6</sup> Forensic monitoring may occur at any time of the year after a significant rain or snow-melt event.

<sup>7</sup> Effectiveness monitoring should be conducted at, or near, the end of the spring runoff, preferably between March 15 and June 15.

Note: Forensic and effectiveness monitoring is only required if one or more of the 8 conditions listed on page 2 of Attachment F exist within the activity area.

**Category 6 Monitoring:**



<sup>8</sup> Field work for fall implementation monitoring must be completed by November 15.

<sup>9</sup> Daily winter-period monitoring required only on days of equipment operation between November 15 and April 15 (between October 15 and May 1 for Tahoe/Truckee).

<sup>10</sup> Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (after October 15 and before May 1 for Tahoe/Truckee).

<sup>11</sup> Forensic monitoring may occur at any time of the year after a significant rain or snow-melt event.

<sup>12</sup> Effectiveness monitoring should be conducted at, or near, the end of the spring runoff, preferably between March 15 and June 15.

Note: Forensic and effectiveness monitoring is only required if one or more of the 8 conditions listed on page 5 of Attachment K exist within the activity area.

# **ATTACHMENT Q**

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Attachment Q  
California Regional Water Quality Control Board  
Lahontan Region

## Required Management Actions for Pile Burning within Waterbody Buffer Zones and Stream Environment Zones under Timber Waiver Category 6

All vegetative management projects that involve pile burning under Category 6 of the Timber Waiver must meet the following requirements. These requirements have been designed to ensure that significant impacts will not occur from those slash piles built or burned within sensitive areas such as Waterbody Buffer Zones and SEZs. Enrollees who cannot meet these specific project requirements must, in their Category 6 Application (Attachment K), provide justification and detailed monitoring and mitigation measures which provide equal protection to these sensitive areas.

For pile burning within an SEZ, complying with these requirements is a condition of eligibility for the exemption, provided in Attachment N, from the Basin Plan Prohibition against the discharge, or threatened discharge, attributable to new development, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral or earthen materials, to SEZs in the Lake Tahoe Basin. Enrollees who cannot meet these requirements within SEZs are not covered under the Basin Plan Prohibition Exemption within this Timber Waiver and must apply for a separate Basin Plan prohibition exemption.

### **Requirements:**

- a. Maintain a minimum 25 foot buffer (no piling or burning) from watercourses.
- b. No more than 30% of any acre SEZ/WBBZ acre, or smaller contiguous SEZ/WBBZ area, may be occupied with piles.
- c. No more than 15% of any SEZ/WBBZ acre, or other contiguous SEZ/WBBZ area which is less than one acre, can have burn scars at any time which do not have vegetative recovery, as defined in Attachment A (i.e., not invasive weeds).
- d. All Burn scars must either 1) have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage as soon as the burn is completely extinguished, or 2) have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage if the scar does not have vegetative recovery (as defined in Attachment A) within two growing seasons following the burn. The duff or mulch/seed raking is intended to facilitate vegetative recovery of the site, limit the opportunity for invasive species re-colonization of the impacted area, increase natural infiltration, and prevent soil erosion. Project implementers that elect option 2) must monitor all burn piles and report on vegetative recovery using Timber Waiver monitoring forms and reporting deadlines until vegetative recovery (as defined in Attachment A) is determined to be adequate by the Water Board Executive Officer.

Attachment Q  
California Regional Water Quality Control Board  
Lahontan Region

## Required Management Actions for Pile Burning within Waterbody Buffer Zones and Stream Environment Zones under Timber Waiver Category 6

- e. Burn scars that exceed either a 25-foot diameter or 500 contiguous square feet shall have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage. The duff or mulch/seed raking is intended to facilitate vegetative recovery of the site, limit the opportunity for invasive species re-colonization of the impacted area, increase natural infiltration, and prevent soil erosion.
- f. All burn scar raking, whether under option 1) or 2) in d. above, or to address large burn scars in e. above, must occur as soon as the burn is completely extinguished. In the event the burn scar and surrounding ground is covered by ice or snow, the required raking must occur within 30 days of the burn scar and surrounding ground no longer being covered by ice or snow.
- g. After initial ignition of piles, but while still burning, allow each pile to be re-piled once (i.e., place large unburned pieces back into the burning pile). Additional re-piling will be allowed if necessary to achieve 80% consumption of the piled material.
- h. When piles are adjacent to aspen trees, re-piling during pile burning must be restricted to one time per pile and hot piling (i.e., don't feed one pile with the material from other piles or ground material) is prohibited.
- i. Areas burned within SEZs and WBBZs must be left in a condition such that waste, including ash, soils, and/or debris, will not discharge to a waterbody.

The following section contains recommendations that are meant to aid project implementers searching for additional example design features for piling and burning in SEZs or WBBZs.

### **Recommendations:**

1. When piling the material, distribute the large wood component (> 9 inch diameter logs) so each pile contains less than 50%, by volume, large wood. A smaller volume of large wood component typically will result in lower burn temperatures and shorter burn durations, thereby minimizing adverse effects to the underlying soil.
2. Prior to pile construction, rake native duff away from the area where the pile will be constructed so that it can be raked back onto the burn scar after burning. This action is intended to ensure that sufficient native duff is available to cover the burn scar after the pile, and any adjacent area that may be subject to fire creep, has been burned.
3. Place piles in a non-linear pattern in each unit where possible.

Attachment Q  
California Regional Water Quality Control Board  
Lahontan Region

Required Management Actions for Pile Burning within Waterbody  
Buffer Zones and Stream Environment Zones under Timber Waiver  
Category 6

4. Maximize the distance between piles to the extent feasible, maintaining approximately 20 feet average spacing between piles.
5. Burn or remove piles as soon as possible, giving preference to those piles within SEZs.
6. Allow fire to creep between piles and into these buffers, maintaining flame lengths of less than 2 feet in height except where sensitive plant occurrences, fens, and the noxious weeds whitetop and cheatgrass are present.

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# **ENCLOSURE 2**

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Comment	Response
<div data-bbox="191 237 256 285"> </div> <div data-bbox="262 240 373 298"> <p>United States Department of Agriculture</p> </div> <div data-bbox="415 240 472 277"> <p>Forest Service</p> </div> <div data-bbox="527 240 604 298"> <p>Pacific Southwest Region</p> </div> <div data-bbox="787 240 982 337"> <p>Regional Office, R5 1323 Club Drive Vallejo, CA 94592 (707) 562-8737 Voice (707) 562-9240 Text (TDD)</p> </div> <hr/> <div data-bbox="709 363 940 407"> <p>File Code: 2530 Date: February 24, 2014</p> </div> <p data-bbox="256 435 640 548">           Patty Kouyoumdjian Executive Officer Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150         </p> <p data-bbox="256 574 457 597">Dear Ms. Kouyoumdjian:</p> <p data-bbox="256 613 1003 769">           The USDA Forest Service Pacific Southwest Region (USFS) manages seven National Forests within the jurisdiction of the Lahontan Regional Water Quality Control Board (Board). Vegetation management to improve forest health, reduce risks of wildfires, and stimulate local economies is an important activity on National Forest System (NFS) lands. Protection of water resources is also an integral part of the Forest Service mission, and I value our working relationship with the Board and its staff to protect water quality on the east side of the Sierra-Cascade Crest.         </p> <p data-bbox="256 799 1003 961">           The Board's tentative timber waiver, currently open for public comment, will generally improve the ability of the USFS to manage vegetation on NFS lands while maintaining adequate protection of water quality. I appreciate the extensive efforts on the part of the Board's staff to discuss proposed changes to the current (2009) waiver with USFS staff and other stakeholders. Most of our concerns have been addressed through this outreach process. My comments, provided below, are directed at a number of remaining issues that we would like to have addressed in the proposed waiver presented to your Board for approval.         </p> <p data-bbox="256 987 499 1010"><b>Monitoring—Attachment O</b></p> <p data-bbox="256 1036 1024 1172">           The tentative waiver eliminates the option for National Forests to use our Best Management Practice (BMP) Evaluation Program in lieu of effectiveness and forensic monitoring. The BMP evaluation program has, to the best of my knowledge, served well as a monitoring option under the current Lahontan waiver. The optional use of our BMP evaluation program has not resulted in violations of basin plan objectives or waiver conditions, and has reduced the number of reports that Board staff need to review each year.         </p> <p data-bbox="256 1198 1003 1334">           Operationally, this change would increase USFS workloads because the Forests would be required to conduct effectiveness and forensic monitoring for the waiver in addition to BMP monitoring that is required by National Agency direction and our Management Agency Agreement (MAA) with the State Water Resources Control Board (State Board). Although the additional workload would be relatively minor for most National Forests, it would add to overall project costs and reduce the pace and scale of forest restoration.         </p>	<div data-bbox="1066 490 1915 1075"> <p>➤ <b>USFS-1:</b> Since the BMPEP evaluates project effectiveness by randomly selecting a few projects rather than evaluating every project, some projects were never evaluated for compliance or effectiveness in protecting water quality and the BMPEP does not contain a corrective action implementation section. The proposed 2014 Timber Waiver contains forms that all project implementers would use to evaluate project compliance, effectiveness, and specify corrective actions where problems were noted. Some improvements were made to the forms to address burn scar vegetative recovery and to specify the minimum information required. Because every project implementer will be required to use the same forms, Water Board staff will be able to readily review the reports in a consistent manner and the information from multiple projects can be more readily compiled and available to the public.</p> </div> <div data-bbox="1066 1149 1915 1295"> <p>➤ <b>USFS-2:</b> Using the proposed 2014 Timber Waiver monitoring forms and reporting deadlines will reduce Water Board staff costs by improving program consistency and transparency.</p> </div>

Comment	Response
<p>Patty Kouyoumdjian 2</p> <p>More significantly, the elimination of the BMP monitoring option would effectively end the unique status of the USDA Forest Service (USFS) as a water-quality management agency, as we are designated under our MAA. Although this change would apply only in the Lahontan Region, other Regional Boards will be revising their waivers in 2015, and the State Board is considering alternatives to the proposed 2011 statewide waiver. The proposed change in monitoring requirements could be prejudicial to our future negotiations for those regulatory actions and limit our ability to implement new monitoring requirements if our MAA is revised. I therefore strongly urge you to reinstate the option for National Forests to use the BMP evaluation program in lieu of the standard reporting forms for effectiveness and forensic monitoring.</p> <p>Alternatively, the Board could acknowledge the status of the USFS as a water-quality management agency under the MAA in a Finding. Such a finding, and a commitment to revise the waiver to include specific conditions for National Forests based on any future changes to the MAA, would effectively address my major concern with the proposed changes to the monitoring program. Such a Finding might read as follows:</p> <p><b>“The Lahontan Regional Water Quality Control Board (Regional Board) acknowledges the status of the USDA Forest Service as a water-quality management agency under a Management Agency Agreement (MAA) with the State Water Resources Control Board (State Board). The Regional Board is aware of the potential for the development of a statewide regulatory action by the State Board for vegetation management and other activities on National Forest lands. Such a regulatory action would likely be based on the existing or a revised MAA. The Regional Board commits to facilitating the implementation of a statewide regulatory action within the Lahontan Region if approved by the State Board during the period that this [Lahontan 2014 timber] waiver is in effect.”</b></p> <p>The Board’s implementation monitoring form is compatible with the USFS Water Quality Management Handbook requirements for BMP implementation checklists, and would not impose an additional workload on our National Forests. I therefore have no objection to the proposed requirement for mandatory use of the Board’s standard implementation monitoring form.</p> <p><b>Soil Operability—Attachment A</b></p> <p>In Attachment A, operable <i>“means vehicles, tractors, and other equipment use off roads, under moist or wet conditions must not create ruts exceeding two inches in depth and 25 feet in length. No ruts exceeding three inches in depth are allowed.”</i> The intent of this standard is to prevent transport of sediment and other pollutants to waters of the state during periods with overland runoff. The creation of ruts when no surface runoff is likely does not constitute a threat to water quality. I request that soil operability criteria for ruts in wet or moist soils be established only for winterization or for any day with a local National Weather Service forecast of a 50% or greater chance of measurable rainfall. We also request that the definition of “operable” in Attachment A clearly indicate that the soil operability standard applies only to off-road areas in water body buffer zones.</p>	<p><b>USFS-3:</b> The adoption of the proposed 2014 Timber Waiver has no bearing on the agreements made in the MAA, which was signed between the State Water Resources Control Board and the US Forest Service in 1981.</p> <p><b>USFS-4:</b> The following new Finding 5 has been added to the proposed 2014 Timber Waiver, which is similar to the text suggested in the comment:</p> <p>“The Lahontan Regional Water Quality Control Board (Water Board) acknowledges the State Water Resources Control Board (State Board) and the USDA Forest Service signed a Management Agency Agreement in 1981 that recognized the USDA Forest Service as a water quality management agency for its lands. The Water Board is aware of the potential for the development of a statewide regulatory action by the State Water Board for vegetation management and other activities on National Forest lands. If, during the period that this Lahontan 2014 Timber Waiver is in effect, the State Board adopts a new statewide regulatory action for vegetation management, then the Water Board will consider revisions to the Timber Waiver consistent with the adopted provisions.”</p>

Comment	Response
<p>Patty Kouyoumdjian 2</p> <p>More significantly, the elimination of the BMP monitoring option would effectively end the unique status of the USDA Forest Service (USFS) as a water-quality management agency, as we are designated under our MAA. Although this change would apply only in the Lahontan Region, other Regional Boards will be revising their waivers in 2015, and the State Board is considering alternatives to the proposed 2011 statewide waiver. The proposed change in monitoring requirements could be prejudicial to our future negotiations for those regulatory actions and limit our ability to implement new monitoring requirements if our MAA is revised. I therefore strongly urge you to reinstate the option for National Forests to use the BMP evaluation program in lieu of the standard reporting forms for effectiveness and forensic monitoring.</p> <p>Alternatively, the Board could acknowledge the status of the USFS as a water-quality management agency under the MAA in a Finding. Such a finding, and a commitment to revise the waiver to include specific conditions for National Forests based on any future changes to the MAA, would effectively address my major concern with the proposed changes to the monitoring program. Such a Finding might read as follows:</p> <p><b>“The Lahontan Regional Water Quality Control Board (Regional Board) acknowledges the status of the USDA Forest Service as a water-quality management agency under a Management Agency Agreement (MAA) with the State Water Resources Control Board (State Board). The Regional Board is aware of the potential for the development of a statewide regulatory action by the State Board for vegetation management and other activities on National Forest lands. Such a regulatory action would likely be based on the existing or a revised MAA. The Regional Board commits to facilitating the implementation of a statewide regulatory action within the Lahontan Region if approved by the State Board during the period that this [Lahontan 2014 timber] waiver is in effect.”</b></p> <p>The Board’s implementation monitoring form is compatible with the USFS Water Quality Management Handbook requirements for BMP implementation checklists, and would not impose an additional workload on our National Forests. I therefore have no objection to the proposed requirement for mandatory use of the Board’s standard implementation monitoring form.</p> <p><b>Soil Operability—Attachment A</b></p> <p>In Attachment A, operable <i>“means vehicles, tractors, and other equipment use off roads, under moist or wet conditions must not create ruts exceeding two inches in depth and 25 feet in length. No ruts exceeding three inches in depth are allowed.”</i> The intent of this standard is to prevent transport of sediment and other pollutants to waters of the state during periods with overland runoff. The creation of ruts when no surface runoff is likely does not constitute a threat to water quality. I request that soil operability criteria for ruts in wet or moist soils be established only for winterization or for any day with a local National Weather Service forecast of a 50% or greater chance of measureable rainfall. We also request that the definition of “operable” in Attachment A clearly indicate that the soil operability standard applies only to off-road areas in water body buffer zones.</p>	<p><b>USFS-5:</b> The suggested change does not adequately protect the soil and vegetation resources from potentially significant disturbance. The intent of the “operable” soils standard is to prevent impacts to soils and native vegetation within water body buffer zones (WBBZs) and Tahoe Basin stream environment zones (SEZs), and to prevent transport of sediment and other pollutants to waters of the State. Although the creation of ruts when no surface water runoff is likely may not immediately impact water quality, the impacts to soils and vegetation from the creation of these ruts under moist or wet conditions may create long-lasting impacts which affect water quality. Soils and vegetation, especially those within WBBZs and SEZs, capture and infiltrate water, providing numerous physical, chemical, and biological functions that are critical to sustaining healthy ecosystems and maintaining environmental quality. Further, root densities of grasses, forbs, and shrubs are highest towards the soil surface and attenuate with depth, with the greatest root concentration typically at the surface (0-6 inches). Surface root adherence to soil is an important biological factor related to soil erosion control. Disturbance of the surface soil via rutting when the soils are moist or wet, regardless whether runoff to waterbodies is occurring, is likely to affect plant health or mortality of roots and the plant’s ability to attenuate stormwater flows and to hold soils in place. Soil disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness and overbearing forces. The “operable” soil standard is in place to minimize soil erosion and the loss of soil productivity when soils are moist or wet within highly sensitive areas, not just as a standard to prevent runoff discharge.</p> <p>There may be some confusion where equipment use on “operable” soils vs. on “saturated soils” may exist. We have therefore added “As applied in Categories 2, 4, and 6” under the “Operable” header and “As applied in Categories 1, 2, 4, and 6” under the “Saturated Soils” header in Attachment A.</p>

Comment	Response
<p><b>Adequate Ground Cover—Attachments A and Q</b></p> <p>Our experience indicates that protection of soils from erosion can be achieved by maintaining ground cover on 85% of the land surface. We therefore request that the definition of “<i>Adequate Ground Cover</i>” in Attachment A be amended to allow ground cover of 85% or higher to be considered adequate. This standard would be consistent with the area limitation of 15% for burn scars in Attachment Q and is generally compatible with USFS forest plan standards.</p> <p><b>Pile Burning in Waterbody Buffer Zones (WBBZs)—Attachments A and Q</b></p> <p>Requirements—</p> <p>The third bullet item, which states that “<i>no more than 15% of any acre may be burned each year,</i>” is irrelevant and should be removed. Recommendations included at the end of this attachment encourage forest fuels practitioners to allow surface fires to “creep” through forest floor fuels between piles, which will result in varying percentages of burned areas within projects. Rather than focusing on the acres burned, this requirement should focus on the extent of burn scars, so that pile burning does not result in more than 15% of any acre with burn scars.</p> <p>The fourth bullet should be changed to read “<i>No more than 15% of any acre can have burn scars that are not in a significant stage of native vegetation recovery representative of the vegetative capacity of the site, including organic mulch or native duff cover provided either naturally or through management.</i>” The extent and nature of vegetation recovery will vary based on site conditions. As an example, vegetation recovery may be very slow in arid climates (such as on parts of the Inyo National Forest), or in areas that retain a high density conifer canopy cover (such as in Stream Environment Zones [SEZs] on the east side of the LTBMU). Under these conditions, ground cover through vegetation may be a minor component, relative to native duff.</p> <p>Remove the sixth bullet, which concerns vegetative recovery of burn scars. This bullet is redundant with the fourth bullet (discussed above). Riparian vegetative is a form of vegetation that can be native or invasive (such as Canada thistle and Tall white top). I want to encourage native vegetation to recover in burn scars. Change the definition of Vegetation Recovery in Attachment A to remove the word “riparian”.</p>	<p>➤ <b>USFS-6:</b> To be consistent with the 15% burn scar allowance, the definition of “adequate ground cover” has been changed to 85%.</p> <p>➤ <b>USFS-7:</b> The referenced section in Attachment Q has been removed, since the limit of no more than 15% burn scars is a more appropriate performance requirement.</p> <p>➤ <b>USFS-8:</b> The definition of “vegetative recovery” in Attachment A has been changed to address site variability and vegetation communities adjacent to the burn piles. Native duff and organic mulch are topical dressings which have been shown to significantly enhance the vegetative recovery when raked into the burn scar. Attachment Q includes a provision that allows project implementers to propose alternate management measures and permitting options when the requirements in Attachment Q cannot be met.</p> <p>➤ <b>USFS-9:</b> The word “riparian” has been removed from Attachments A and Q since it is redundant and not needed.</p>

Comment	Response
<p>Remove the seventh bullet, which prescribes the composition of burn piles in terms of wood diameter. This condition would be operationally difficult to meet during project implementation. Although burn pile composition may affect burn intensity, the restrictions on burn scar areas and vegetative recovery in Attachment Q will provide adequate protection for soils affected by prescribed burning.</p> <p>Amend the eighth bullet to specify, “<i>Burn scars that exceed a 25-foot diameter or 500 contiguous square feet shall have native duff, or organic mulch and seed, raked to an 85% coverage.</i>” A standard of 85% coverage is consistent with the standard for burn scar areas in the fourth bullet of Attachment Q, discussed above. Add the area adjacent to the burn scar, when describing when snow or ice conditions will prevent mitigation, and increase the time for implementing mitigation after snow and ice is no longer present to 30 days. The majority of time</p> <p>Patty Kouyoumdjian 4</p> <p>we will want to allow seed sources on site to re-populate the burn scars, through raking in adjacent duff or natural processes, to ensure species that are not really appropriate to the site are not introduced through imported seed mixes. An appropriate seed mix would only be utilized in areas where native duff is not present, to be utilized with imported organic mulch. The area adjacent to the burn scar needs to be clear of snow and ice to implement the preferred mitigation, if needed. Fifteen days is not operationally realistic for implementing mitigations, and is not needed to prevent significant impacts.</p> <p>Recommendations—</p> <p>I support the recommendation to allow fire to “creep” between burn piles and into buffers. The other recommendations are unnecessary and I request that they be removed.</p> <p>Thank you for the opportunity to comment on the tentative waiver. If you have any questions, please contact Regional Hydrologist Barry Hill (<a href="mailto:barryhill@fs.fed.us">barryhill@fs.fed.us</a>) at (707) 562-8968.</p> <p>Sincerely,</p> <p>/s/ <i>Barnie T. Gyant (for)</i>  RANDY MOORE  Regional Forester</p>	<p>➤ <b>USFS-10:</b> The scientific literature reviewed to support Attachment Q modifications conclude that pile composition, not pile size are the primary influences for soil impacts related to pile burning in sensitive areas. The research showed each pile should be composed of less than 50% large woody material to help minimize the heating effects on the soil during the burning. However, specifying a pile composition requirement does not guarantee the soil beneath a burn scar will not be affected by the burn. Specifying a pile composition requirement reduces the flexibility of a project implementer to manage its burning especially in areas that lack sufficient slash to meet a 50% woody material maximum. This proposed condition has been removed since the requirement is that each burn scar’s vegetation has adequately recovered within two growing seasons. The pile composition design feature has been moved to the recommendations section of Attachment Q.</p> <p>➤ <b>USFS-11:</b> The coverage specification has been changed to 85%, which is consistent with the requirement for no more than 15% burn scar. The provision that snow or ice be clear from the both the burn scar and adjacent area has been added, and a 30 day timeframe to implement duff raking has been incorporated into the requirement.</p> <p>➤ <b>USFS-12:</b> Text has been added to clarify that the listed recommendations are to be helpful guidelines for project implementers searching for example design features for piling and burning in SEZ/WBBZ.</p>

Comment		Response
<p>United States Department of Agriculture</p>	<p>Forest Service</p>	<p>Truckee Ranger District 10811 Stockrest Springs Road Truckee, CA 96161-2949 530-587-3558 530-587-6907 TDD 530-587-6914 FAX</p>
		<p>Sierraville Ranger District P.O. Box 95 Sierraville, CA 96126 530-994-3401 530-994-3521 TDD 530-994-3143 FAX</p>
<p>File Code: 2530 Date: FEB 9 2014 </p> <p>Ms. Patty Z. Kouyoumdjian Executive Officer Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. So. Lake Tahoe, CA 96150</p> <p>Dear Ms. Kouyoumdjian,</p> <p>We appreciate the opportunity to work with The Board on your revision to this waiver. Vegetation management to improve forest health, reduce risks of wildfires, and stimulate local economies is an important activity on the Tahoe National Forests. Protection of water resources is also an integral part of the Forest Service mission, and we value our working relationship with the Board and its staff to protect water quality on the east side of the Sierra-Cascade Crest. The Board's tentative timber waiver, currently open for public comment, will generally improve the ability of the USFS to manage vegetation on NFS lands while maintaining adequate protection of water quality. Specifically, we appreciate the change in the pile burning requirements as this will allow us more flexibility to manage vegetation for forest health. Our staff also welcomes the new reporting date of February 15 rather than January 15 for the annual reports. We appreciate the extensive efforts on the part of the Board's staff to discuss proposed changes to the current (2009) waiver with USFS staff and other stakeholders. Most of our concerns have been addressed through this outreach process. Our comments, provided below, are directed at the few remaining issues that we would like to have addressed in the proposed waiver presented to your Board for approval.</p> <p><u>Soil Operability—Attachment A</u> In Attachment A, operable "means vehicles, tractors, and other equipment use off roads, under moist or wet conditions must not create ruts exceeding two inches in depth and 25 feet in length. No ruts exceeding three inches in depth are allowed." The intent of this standard is to prevent transport of sediment and other pollutants to waters of the state during periods with overland runoff. The creation of ruts when no surface runoff is likely does not constitute a threat to water quality. We request that soil operability criteria for ruts in wet or moist soils be established only for winterization or for any day with a local National Weather Service forecast of a 50% or greater chance of measureable rainfall.</p>		<p>→ <b>Tahoe NF-1:</b> The suggested change should not be made because it does not protect the soil and vegetation resources from potentially significant disturbance. The intent of the "operable" soils standard is to prevent impacts to soils and native vegetation within water body buffer zones (WBBZs) and Tahoe Basin stream environment zones (SEZs), and to prevent transport of sediment and other pollutants to waters of the State. Although the creation of ruts when no surface water runoff is likely may not immediately impact water quality, the impacts to soils and vegetation from the creation of these ruts under moist or wet conditions may create long-lasting impacts which affect water quality. Soils and vegetation, especially those within WBBZs and SEZs, capture and infiltrate water, providing numerous physical, chemical, and biological functions that are critical to sustaining healthy ecosystems and maintaining environmental quality. Further, root densities of grasses, forbs, and shrubs are highest towards the soil surface and attenuate with depth, with the greatest root concentration typically at the surface (0-6 inches). Surface root adherence to soil is an important biological factor related to soil erosion control. Disturbance of the surface soil via rutting when the soils are moist or wet, regardless whether runoff to waterbodies is occurring, is likely to affect plant health or mortality of roots and the plant's ability to attenuate stormwater flows and to hold soils in place. Soil disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness and overbearing forces. The "operable" soil standard is in place to minimize soil erosion and the loss of soil productivity when soils are moist or wet within highly sensitive areas, not just as a standard to prevent runoff discharge.</p>

Comment	Response
<p><u>Adequate Ground Cover—Attachments A and N</u>  From review of the draft waiver, it appears that the requirement to have “adequate ground cover” in Attachment A, only applies to CTL or other low pressure equipment operations within 100 year floodplains on the Tahoe National Forest. We would appreciate clarification as to whether these operations are the only activity with the ‘adequate ground cover’ requirement. We</p> <p>feel that from our experience that protection of soils from erosion can be achieved by maintaining ground cover on 80% of the land surface. We request that the definition of “Adequate Ground Cover” in Attachment A be amended to allow ground cover of 80% or higher to be considered adequate. We also request that this definition be used in place of “sufficient ground cover” in item 5.c. in the table at the end of Attachment N.</p>	<p>→ <b>Tahoe NF-2:</b> The adequate ground cover requirement applies to CTL operations within 100-year floodplains within the Truckee and Little Truckee River HU areas of the Tahoe National Forest.</p> <p>→ <b>Tahoe NF-3:</b> To be consistent with the 15% burn scar allowance, the definition of “adequate ground cover” has been changed to 85%.</p> <p>→ <b>Tahoe NF-4:</b> The “adequate ground cover” requirement pertains to placing or leaving material on the ground post-operations, whereas “sufficient ground cover” pertains to required ground surface conditions prior to equipment operations. Additional language was added to Table N1, Item 5.c. to indicate that the intent of sufficient ground cover prior to operations is to prevent direct ground contact of CTL equipment tires or tracks during operations.</p>

Comment	Response
<p><u>Pile Burning in Waterbody Buffer Zones (WBBZs)—Attachment Q Requirements</u></p> <p>The third bullet item, which states that “no more than 15% of any acre may be burned each year,” is inconsistent with the recommendations included at the end of this attachment which encourage forest fuels practitioners to allow surface fires to “creep” through forest floor fuels between piles, which would result in varying percentages of burned areas within projects. In addition, fire intensity in both the piles as well as the forest floors between piles will depend on pile composition and timing of the burn. Rather than focusing on the acres burned, the fourth bullet is protective of water quality with the requirement that burn scars cover no more than 15% of any acre.</p> <p>The current fourth bullet should include native duff and or organic mulch in addition to vegetation as a component of recovery of burn scar areas. The extent and nature of vegetation recovery will vary based on site conditions and ground cover through vegetation may be a minor component, relative to native duff in areas with a dense conifer canopy.</p> <p>Remove the sixth bullet, which also concerns vegetative recovery of burn scars. This bullet is redundant with the fourth bullet (discussed above). Also, riparian vegetative is a form of vegetation that can be native or invasive (such as Canada thistle and Tall white top). We want to encourage native vegetation to recover in burn scars. Also, change the definition of Vegetation Recovery in the definitions section, to remove the word “riparian”. Amend the seventh bullet to specify, “...shall have native duff, or organic mulch and seed, raked...”.</p> <p>Also please add the area adjacent to the burn scar, when describing when snow or ice conditions will prevent mitigation, and increase the time for implementing mitigation after snow and ice is no longer present to 30 days. The majority of time we will want to allow seed from nearby native vegetation to re-populate the burn scars, through raking in adjacent duff or natural processes, to ensure species that are not really appropriate to the site are not introduced through imported seed mixes. An appropriate seed mix would only be utilized in areas where native duff is not present, and would be spread with imported organic mulch. The area adjacent to the burn scar needs to be clear of snow and ice to implement the preferred mitigation, if needed. Fifteen days is not operationally realistic for implementing mitigations, and is not needed to prevent significant impacts.</p> <p><u>Recommendations</u></p> <p>Since these are not requirements, and are not enforceable, we suggest removing these entirely. Thank you for the opportunity to comment on the tentative waiver. If you have any questions, please contact Tahoe NF Watershed Program Manager, Carol Purchase (<a href="mailto:cpurchase@fs.fed.us">cpurchase@fs.fed.us</a>, 530-478-6239).</p>	<p>→ <b>Tahoe NF-5:</b> The referenced section in Attachment Q has been removed, since the limit of no more than 15% burn scars is a more appropriate performance requirement.</p> <p>→ <b>Tahoe NF-6:</b> The definition of “vegetative recovery” in Attachment A has been changed to address site variability and vegetation communities adjacent to the burn piles. Native duff and organic mulch are topical dressings which have been shown to significantly enhance the vegetative recovery when raked into the burn scar. Attachment Q includes a provision that allows project implementers to propose alternate management measures and permitting options when the requirements in Attachment Q cannot be met.</p> <p>→ <b>Tahoe NF-7:</b> The word “riparian” has been removed from Attachments A and Q since it is redundant and not needed. Bullet six was removed and bullet seven was moved the to the Recommendations section of Attachment Q.</p> <p>→ <b>Tahoe NF-8:</b> The provision that snow or ice be clear from the both the burn scar and adjacent area has been added, and a 30 day timeframe to implement duff raking has been incorporated into the requirement.</p> <p>→ <b>Tahoe NF-9:</b> Text has been added to clarify that the listed recommendations are to be helpful guidelines for project implementers searching for example design features for piling and burning in SEZ/WBBZ.</p>

Comment	Response
<p><b>Date:</b> 23 February 2014-02-13</p> <p><b>To:</b> California Regional Water Quality Control Board of the Lahontan Region</p> <p><b>From:</b> Dennis D. Murphy, PhD.</p> <p><b>Re:</b> Comment on 2014 Timber Waiver</p> <p>I write to express my concerns regarding the Water Board’s Tentative 2014 Timber Waiver and its Attachments, Board Order No. R6T 2014 00XX, (“Tentative Waiver”). As a conservation biologist and lead author and editor of the Lake Tahoe Watershed Assessment (published by the Forest Service in 2000), and with a residence on Echo Lake, I am particularly concerned about the potential effects that any Timber Waivers issued by the Water Board may have on the ecological integrity of and water quality in the Lake Tahoe basin. Two of my concerns are described below.</p> <p><b>Phased Projects</b></p> <p>Section B, General Provision 2 of the Tentative Waiver allows for phased projects. General Provision 2 gives Timber Waiver applicants sole discretion to enroll each phase of their projects under different waiver categories, even if a project may ultimately lead to harmful discharge into water bodies. This phased project option can contribute to environmentally destructive forest management practices and compromise water quality in ecologically sensitive aquatic circumstances.</p> <p>For example, in September 2013, the United States Forest Service began implementing the Upper Echo Lakes Hazardous Fuels Reduction project, removing trees and brush from land surrounding Upper and Lower Echo Lake, a long-monitored, high-elevation water source to Lake Tahoe. The Forest Service piled the resulting cut materials around Echo Lake and ultimately intends to burn the piles. In a Decision Memo justifying its intention to pile and burn slash from the project, the Forest Service indicated that it would apply for a Category 6 Timber Waiver from the Water Board.<sup>1</sup> However, because phased projects are currently allowed, the Forest Service initiated cutting brush and trees under a Category 2 waiver without the notice, application, or mandatory monitoring and reporting that a Category 6 waiver would require.</p> <p>Piles now sit stacked around Echo Lake and will remain until the Forest Service applies for and is granted a Category 6 waiver (see Attachment A photograph). However, it is unclear if the Forest Service will be able to secure a Category 6 waiver, as it has piled and further intends to pile and burn within sensitive Echo Lake Stream Environment Zones (“SEZs”), and will need to meet all the requirements of Tentative Waiver Attachment Q to do so. The Forest Service should not have been allowed to commence clearing and piling trees and brush under a Category 2</p> <p><sup>1</sup> USDA Forest Service, Lake Tahoe Basin Management Unit, Upper Echo Lakes Hazardous Fuels Reduction Decision Memo, Nov. 15, 2012, Attachment A.</p>	<p><b>Murphy-1:</b> Projects enrolled under the existing and proposed Timber Waiver must adhere to all of the General Conditions contained within the permit, and phased projects are not exempt from complying with all the General Conditions. These Conditions preclude projects from having a “harmful discharge into water bodies” whether or not the project is phased. Projects having an unauthorized discharge of waste into a water body are in violation of the Timber Waiver. Specifically, proposed Timber Waiver Section C. General Conditions 2 and 6 address the discharge of waste into water bodies.</p> <p>General Condition 2 states: “Wastes, including but not limited to, petroleum products, soil, silt, sand, clay, rock, felled trees, slash, sawdust, bark, ash, pesticides, must not be discharged to surface waters or be deposited in locations where such material may discharge to surface waters. If discharge of wastes to surface waters occurs (not previously authorized by the Water Board), the discharger enrollee must notify the Water Board by telephone or email within 24 hours of detection of the discharge or the next business day, whichever comes first.”</p> <p>General Condition 6 states: “Timber harvest and vegetation management activities subject to this Timber Waiver must not create a pollution, contamination, or nuisance, as defined by Water Code section 13050, subdivisions (k), (l), and (m).”</p>

Comment	Response
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<p>waiver when it will ultimately need to apply for a Category 6 waiver to complete the project as planned.</p> <p>This example illustrates the need for the Lahontan Water Board to amend the Tentative Waiver to eliminate the phased project option and require timber waiver applicants to apply for the most stringent waiver that an applicant reasonably can foresee will be necessary before implementing a project. Otherwise, Timber Waivers allow applicants to sidestep the notice and application process and engage in activities that harm waters of the state without the Water Board's knowledge or consent.</p> <p><b>Arbitrary Buffer Zones</b></p> <p>Condition 2 of a Category 2 waiver states that "[o]peration of ATVs, chippers, brush mowers, or similar equipment off roads must always occur at distances greater than 25 feet away from a waterbody." Likewise, Eligibility Criteria 5 of a Category 4 waiver allows for equipment with ground pressures less than 13 psi at distances greater than 25 feet from a waterbody. Absent roads into the project area, and with a Category 6 waiver inappropriate given the assured delivery of post-burning residual material directly into the Echo Lakes, the standing piles in the Echo basin must be mechanically removed and transported by boat from the project area.</p> <p>While a 25-foot buffer may make sense for some projects, it does not make sense for projects that occur on certain terrains with distinct hydrodynamics. The roadless circumstances at the Echo Lakes, for example, are characterized by dispersed old-growth forest patches and open granite (see Attachment A herein, two photographs). Steam courses across much of the landscape are ephemeral, and following snowmelt, sheet runoff across glacially polished surfaces deposits organic material, contaminants, and sediments directly into the lakes. Because granite substrates do not provide the same protections from runoff as more-absorbent, uncompromised soils, projects that disturb the soil and remove brush are assured to harm water quality in the Echo Lakes, Echo Creek, Upper Truckee River, and Lake Tahoe. A traditional 25-foot buffer between the lake and stream courses is thus not adequate to prevent wasteful discharge from damaging the waters of Echo Lake and water bodies below that are tributaries to Lake Tahoe.</p> <p>Instead of stating fixed distances from water bodies for accumulating and burning slash piles, the Tentative Timber Waiver should be amended to take fully into account site-specific project conditions. The 2014 waiver should acknowledge that situations exist in the Lake Tahoe basin in which pile burning must be completely prohibited.</p> <p>Thank you for considering these concerns and changes to the Tentative Waiver.</p> <p>Sincerely,</p> <p>Dennis D. Murphy, Ph.D.</p>	<p><b>Murphy-3:</b> The decision to implement all or a portion of a proposed project rests with the project applicant. Phased projects are allowed under the Timber Waiver.</p> <p><b>Murphy-4:</b> Phased projects are not exempted from complying with all the General Conditions of the Timber Waiver. Please see the response to Murphy-1 above for a discussion regarding protections against the discharge of waste to water bodies. Harm to waters of the state is not allowed under the Timber Waiver.</p> <p>The Timber Waiver has six categories of projects that cover a broad range of vegetation management activities conducted under the Timber Waiver. Projects enrolled under the Timber Waiver vary significantly in size and the length of time to implement. Criteria, conditions, and monitoring requirements have been included to ensure that the activities that proceed under the proposed Timber Waiver will not result in significant impacts. Criteria and conditions limit the scope, extent or nature of activities that are eligible under each category of the proposed Timber Waiver. One of the factors used to distinguish the categories was threat to water quality. Projects enrolled under Categories 1, 2, and 3 pose less threat to water quality than projects under Categories 4, 5, and 6, and therefore do not require notification or monitoring. This allows Water Board staff to focus limited staff resources on timber harvest and vegetation management activities that pose greater threats to water quality. Phased project implementation also allows project proponents to focus greater efforts on monitoring and planning for those areas of a large project that pose the greatest threat to water quality.</p>

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<p>waiver when it will ultimately need to apply for a Category 6 waiver to complete the project as planned.</p> <p>This example illustrates the need for the Lahontan Water Board to amend the Tentative Waiver to eliminate the phased project option and require timber waiver applicants to apply for the most stringent waiver that an applicant reasonably can foresee will be necessary before implementing a project. Otherwise, Timber Waivers allow applicants to sidestep the notice and application process and engage in activities that harm waters of the state without the Water Board's knowledge or consent.</p> <p><b>Arbitrary Buffer Zones</b></p> <p>Condition 2 of a Category 2 waiver states that "[o]peration of ATVs, chippers, brush mowers, or similar equipment off roads must always occur at distances greater than 25 feet away from a waterbody." Likewise, Eligibility Criteria 5 of a Category 4 waiver allows for equipment with ground pressures less than 13 psi at distances greater than 25 feet from a waterbody. Absent roads into the project area, and with a Category 6 waiver inappropriate given the assured delivery of post-burning residual material directly into the Echo Lakes, the standing piles in the Echo basin must be mechanically removed and transported by boat from the project area.</p> <p>While a 25-foot buffer may make sense for some projects, it does not make sense for projects that occur on certain terrains with distinct hydrodynamics. The roadless circumstances at the Echo Lakes, for example, are characterized by dispersed old-growth forest patches and open granite (see Attachment A herein, two photographs). Stream courses across much of the landscape are ephemeral, and following snowmelt, sheet runoff across glacially polished surfaces deposits organic material, contaminants, and sediments directly into the lakes. Because granite substrates do not provide the same protections from runoff as more-absorbent, uncompromised soils, projects that disturb the soil and remove brush are assured to harm water quality in the Echo Lakes, Echo Creek, Upper Truckee River, and Lake Tahoe. A traditional 25-foot buffer between the lake and stream courses is thus not adequate to prevent wasteful discharge from damaging the waters of Echo Lake and water bodies below that are tributaries to Lake Tahoe.</p> <p>Instead of stating fixed distances from water bodies for accumulating and burning slash piles, the Tentative Timber Waiver should be amended to take fully into account site-specific project conditions. The 2014 waiver should acknowledge that situations exist in the Lake Tahoe basin in which pile burning must be completely prohibited.</p> <p>Thank you for considering these concerns and changes to the Tentative Waiver.</p> <p>Sincerely,</p> <p>Dennis D. Murphy, Ph.D.</p>	<p><b>Murphy-5:</b> Timber Waiver, Section A, Finding 2, states that activities eligible for the permit vary in potential threat to water quality, and that project characteristics such as method of tree removal, intensity and proximity of activities to surface waters, and sensitivity of the area will influence the mitigation measures needed to ensure the activity will have a less-than-significant impact on water quality and the environment. Restrictions on the discharge of waste contained in General Conditions 2 and 6 (as described in Murphy-1 above) will sufficiently protect water bodies; however the following clarifying language has been added to the proposed Timber Waiver as described below.</p> <p>Language was added to Category 2 (condition 7), Category 4 (condition 15), and Attachment Q to indicate that 25-foot is a minimum distance for pile placement. The following language from Category 4 (condition 15a) "Areas burned within WBBZs must be left in a condition such that waste, including ash, soils, and/or debris, will not discharge to a waterbody" was added to Category 2 (condition 7) and Attachment Q (Item i) where it will also apply to SEZs.</p>

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<p>waiver when it will ultimately need to apply for a Category 6 waiver to complete the project as planned.</p> <p>This example illustrates the need for the Lahontan Water Board to amend the Tentative Waiver to eliminate the phased project option and require timber waiver applicants to apply for the most stringent waiver that an applicant reasonably can foresee will be necessary before implementing a project. Otherwise, Timber Waivers allow applicants to sidestep the notice and application process and engage in activities that harm waters of the state without the Water Board's knowledge or consent.</p> <p><b>Arbitrary Buffer Zones</b></p> <p>Condition 2 of a Category 2 waiver states that "[o]peration of ATVs, chippers, brush mowers, or similar equipment off roads must always occur at distances greater than 25 feet away from a waterbody." Likewise, Eligibility Criteria 5 of a Category 4 waiver allows for equipment with ground pressures less than 13 psi at distances greater than 25 feet from a waterbody. Absent roads into the project area, and with a Category 6 waiver inappropriate given the assured delivery of post-burning residual material directly into the Echo Lakes, the standing piles in the Echo basin must be mechanically removed and transported by boat from the project area.</p> <p>While a 25-foot buffer may make sense for some projects, it does not make sense for projects that occur on certain terrains with distinct hydrodynamics. The roadless circumstances at the Echo Lakes, for example, are characterized by dispersed old-growth forest patches and open granite (see Attachment A herein, two photographs). Steam courses across much of the landscape are ephemeral, and following snowmelt, sheet runoff across glacially polished surfaces deposits organic material, contaminants, and sediments directly into the lakes. Because granite substrates do not provide the same protections from runoff as more-absorbent, uncompromised soils, projects that disturb the soil and remove brush are assured to harm water quality in the Echo Lakes, Echo Creek, Upper Truckee River, and Lake Tahoe. A traditional 25-foot buffer between the lake and stream courses is thus not adequate to prevent wasteful discharge from damaging the waters of Echo Lake and water bodies below that are tributaries to Lake Tahoe.</p> <p>Instead of stating fixed distances from water bodies for accumulating and burning slash piles, the Tentative Timber Waiver should be amended to take fully into account site-specific project conditions. The 2014 waiver should acknowledge that situations exist in the Lake Tahoe basin in which pile burning must be completely prohibited.</p> <p>Thank you for considering these concerns and changes to the Tentative Waiver.</p> <p>Sincerely,</p> <p>Dennis D. Murphy, Ph.D.</p>	<p>→ <b>Murphy-6:</b> The Timber Waiver includes specific conditions that must be complied with for that project to have a less-than-significant impact on the environment. The Timber Waiver places restrictions on the location and magnitude of piles that can be placed within sensitive areas and requires vegetative recovery for every burn scar. Projects that propose pile burning in SEZs, which is only allowed under Category 6, must apply to the Water Board for enrollment in the Timber Waiver and wait 30 days or receive staff approval to proceed prior to implementation of the project. This allows Water Board staff time to review project details prior to implementation. As described in the proposed 2014 Timber Waiver Finding 18 (2009 Timber Waiver Finding 15), the Water Board Executive Officer retains the right terminate the applicability of the Timber Waiver for any activity that could affect the quality of waters of the State of California.</p> <p>The following language has been added to the 2014 Timber Waiver as a new General Provision 4 and to Attachment N (Section 3):</p> <p>“This Timber Waiver shall not create a vested right to discharge waste and all such discharges shall be considered a privilege, as provided for in Water Code section 13263, subdivision (g). The Water Board Executive Officer may terminate the applicability of the Timber Waiver described herein to any activity at any time when such termination is in the public interest and/or the activity could affect the quality of the waters of the state for beneficial uses.”</p>

Comment	Response
<div data-bbox="323 237 854 323" data-label="Image"> <p><b>ECHO LAKES ENVIRONMENT FUND</b> A Non-Profit Community Service Organization Donations Tax-Deductible</p> </div> <div data-bbox="785 358 993 500" data-label="Image"> </div> <p data-bbox="212 501 390 526">February 23, 2014</p> <p data-bbox="212 553 659 646">Doug Cushman Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150</p> <p data-bbox="212 672 674 696">Re: Comments on Tentative 2014 Timber Waiver</p> <p data-bbox="212 722 401 743">Dear Mr. Cushman:</p> <p data-bbox="212 769 1016 984">I am writing as the representative to the Lahontan Board of the Echo Lakes Environment Fund (ELEF). Thank you for your receptivity with respect to our recent discussions on the subject of forest thinning operations at Echo Lakes and the environmental concerns that these have raised. The Echo Lakes Environment Fund, a non-profit organization concerned with the ecological integrity and health of the Echo Lakes in the Lake Tahoe Basin, knows that you have an understanding of the “fuels reduction” action undertaken by the U.S. Forest Service in sparsely distributed forest patches at high elevation in the Echo Lake Basin in higher reaches of the Upper Truckee River watershed.</p> <p data-bbox="212 1010 1029 1300">It is the Forest Service’s unnecessary and unsound forest-thinning action implemented last autumn at the Echo Lakes that compels us to comment on the draft 2014 Timber Waiver during this public comment period. As described in our letter to you, dated November 4, 2013, registering concern regarding the Category 2 Timber Waiver then being sought by the Service, it was then clear that despite Timber Waiver program obligations associated with forest-thinning and fuels reduction projects in the Tahoe Basin, the Forest Service had implemented tree cutting and brush removal in highly sensitive upper-montane (near sub-alpine) vegetation communities, and significant environmental damage had already occurred. Patchily distributed old-growth, mixed conifer forest patches and prostrate shrub cover was cut and piled in circumstances that guarantee lateral transport of organic material and newly exposed soils across sheer granite substrates into the Upper Truckee River via the Echo Lakes.</p>	

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<p>The Forest Service in its Decision Memo supporting the Upper Echo Lake Hazardous Fuels Reduction project stated the Service's intent to secure a Category 6 waiver, which would require the Lahontan Board to consider the disposal of cut materials via pile burning. It would seem unlikely that the Lahontan Board would have issued that waiver given the landscape circumstances in the area of the project action. But now with trees cut, brush removed and soils exposed, and piles constructed on low-nutrient substrates, much of the north shores of Upper and Lower Echo Lakes are assured unprecedented ecological disturbances at multiple spatial scales that will combine to compromise water quality in the major tributary to Lake Tahoe and Lake Tahoe itself.</p> <p>The current use of the Timber Waiver program, as engaged by the Forest Service and implicitly tolerated by the Lahontan Board, encourages or allows misrepresentation of landscape conditions associated with highly sensitive watershed circumstances, especially those occurring in higher-elevation situations in the Lake Tahoe basin where stream zones are obscured by sheet runoff with snowmelt on impermeable substrates, and encourages or allows wholly unacceptable shifting of waiver categories after the implementation of an action. The Draft 2014 Timber Waiver seems to tolerate post hoc misrepresentations of landscape conditions in order to obtain the Timber Waiver and encourages category shifts that contribute to one simple outcome - the compromise of environmental integrity in the Lake Tahoe Basin, water quality in the lake, and commitments to the restoration of Lake Tahoe.</p> <p>The Echo Lakes Environment Fund believes that the deletion of Attachment "O" and substitution of a revised monitoring approach may be helpful in meeting restoration goals at Lake Tahoe. The Basin Plan text under "Water Quality Objectives," "Anti-degradation Policy" for Lake Tahoe (identified as an ONRW), and wording addressing nutrients is encouraging. But, ELEF believes that important issues are not adequately addressed in the nutrients discussion, owing to the distinct and unique physical and biotic circumstances of certain Tahoe Basin areas, such as those surrounding the Echo Lakes. We therefore call your attention to two distinct but interrelated concerns that we hope the Lahontan Board will explicitly address in the overall context of water quality in the 2014 Timber Waiver.</p> <p>The ELEF requests that the Lahontan Board consider language in the 2014 Timber Waiver that contemplates the current circumstances on the Echo Lakes and anticipates that the U.S. Forest Service, having set precedent in the Echo Lakes Basin, will repeat actions that compromise the quality of waters entering Lake Tahoe. The Lahontan Board should introduce language into the draft Timber Waiver that assures that slash piles in the Echo Lakes basin and in similar situations in the Lake Tahoe basin cannot be burned in situ. If slash piles are burned in the Echo Lakes basin, especially along the northeast shore, which is essentially a large granite funnel steering combustion byproducts into the lakes as nutrients - especially carbon, nitrogen, and phosphorus - and fine sediments, these contaminants will find their way into Lake Tahoe in direct contradiction of the goals and purposes of the Basin's Bi-State Compact. Attachment "Q" in the draft waiver states - "Piles should be burned or removed as soon as possible giving preference to those within SEZs". ELEF believes that the Lahontan Board should</p>	<p><b>ELEF-1:</b> The Timber Waiver (current and proposed) does not encourage or allow misrepresentation of environmental conditions. Project applications are certified by the landowner (or agent thereof) under penalty of perjury that the project submittals accurately represent site conditions. Potentially significant impacts must be identified and mitigated to a less than significant level to qualify for coverage under the Timber Waiver. Criteria, conditions, and monitoring requirements have been included to ensure that the activities that proceed under the proposed Timber Waiver will not result in significant impacts. The Category 4 and 6 applications were modified to include a section where applicants must discuss the environmental conditions of the project area. This will provide additional disclosure of the environmental resources affected by the project.</p> <p>The current and proposed Timber Waiver allows phased project implementation. This allows Water Board staff to focus limited staff resources on timber harvest and vegetation management activities that pose greater threats to water quality. Phased project implementation also allows project proponents to focus greater efforts on monitoring and planning for those areas of a large project that pose the greatest threat to water quality.</p>

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But now with trees cut, brush removed and soils exposed, and piles constructed on low-nutrient substrates, much of the north shores of Upper and Lower Echo Lakes are assured unprecedented ecological disturbances at multiple spatial scales that will combine to compromise water quality in the major tributary to Lake Tahoe and Lake Tahoe itself.</p> <p>The current use of the Timber Waiver program, as engaged by the Forest Service and implicitly tolerated by the Lahontan Board, encourages or allows misrepresentation of landscape conditions associated with highly sensitive watershed circumstances, especially those occurring in higher-elevation situations in the Lake Tahoe basin where stream zones are obscured by sheet runoff with snowmelt on impermeable substrates, and encourages or allows wholly unacceptable shifting of waiver categories after the implementation of an action. The Draft 2014 Timber Waiver seems to tolerate post hoc misrepresentations of landscape conditions in order to obtain the Timber Waiver and encourages category shifts that contribute to one simple outcome - the compromise of environmental integrity in the Lake Tahoe Basin, water quality in the lake, and commitments to the restoration of Lake Tahoe.</p> <p>The Echo Lakes Environment Fund believes that the deletion of Attachment "O" and substitution of a revised monitoring approach may be helpful in meeting restoration goals at Lake Tahoe. The Basin Plan text under "Water Quality Objectives," "Anti-degradation Policy" for Lake Tahoe (identified as an ONRW), and wording addressing nutrients is encouraging. But, ELEF believes that important issues are not adequately addressed in the nutrients discussion, owing to the distinct and unique physical and biotic circumstances of certain Tahoe Basin areas, such as those surrounding the Echo Lakes. We therefore call your attention to two distinct but interrelated concerns that we hope the Lahontan Board will explicitly address in the overall context of water quality in the 2014 Timber Waiver.</p> <p>The ELEF requests that the Lahontan Board consider language in the 2014 Timber Waiver that contemplates the current circumstances on the Echo Lakes and anticipates that the U.S. Forest Service, having set precedent in the Echo Lakes Basin, will repeat actions that compromise the quality of waters entering Lake Tahoe. The Lahontan Board should introduce language into the draft Timber Waiver that assures that slash piles in the Echo Lakes basin and in similar situations in the Lake Tahoe basin cannot be burned in situ. If slash piles are burned in the Echo Lakes basin, especially along the northeast shore, which is essentially a large granite funnel steering combustion byproducts into the lakes as nutrients - especially carbon, nitrogen, and phosphorus - and fine sediments, these contaminants will find their way into Lake Tahoe in direct contradiction of the goals and purposes of the Basin's Bi-State Compact. Attachment "Q" in the draft waiver states - "Piles should be burned or removed as soon as possible giving preference to those within SEZs". ELEF believes that the Lahontan Board should</p>	<p>➤ <b>ELEF-2:</b> While the Echo Lakes contain extremely high quality water, the area is not pristine; there are residential buildings with grey water systems and various recreational activities (such as hiking, backpacking, skiing, boating, equestrian use, and fishing) which have potential to degrade soil and water quality conditions. The scope of activities allowed under the Timber Waiver is aligned with present and historic resource management and land use practices in the area.</p> <p>The Timber Waiver is intended to regulate a broad variety of vegetation management activities throughout the Water Board region. To ensure that projects do not cause negative impacts to water quality all projects enrolled under the existing and proposed Timber Waiver must adhere to all of the General Conditions contained within the permit. These General Conditions preclude projects from having a discharge into water bodies. Projects having an unauthorized discharge of waste into a water body are in violation of the Timber Waiver. The method of compliance with these General Conditions is determined by the project applicant. Specifically, proposed Timber Waiver Section C. General Conditions 2 and 6 address the discharge of waste into water bodies.</p> <p>General Condition 2 states: "Wastes, including but not limited to, petroleum products, soil, silt, sand, clay, rock, felled trees, slash, sawdust, bark, ash, pesticides, must not be discharged to surface waters or be deposited in locations where such material may discharge to surface waters. If discharge of wastes to surface waters occurs (not previously authorized by the Water Board), the discharger enrollee</p>

(ELEF-2 continued)

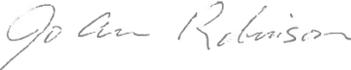
must notify the Water Board by telephone or email within 24 hours of detection of the discharge or the next business day, whichever comes first.”

General Condition 6 states: “Timber harvest and vegetation management activities subject to this Timber Waiver must not create a pollution, contamination, or nuisance, as defined by Water Code section 13050, subdivisions (k), (l), and (m).”

In addition, the following language from the proposed 2014 Timber Waiver Category 4 (condition 15a) stating “areas burned within WBBZs must be left in a condition such that ash, soils, and/or debris will not discharge to a waterbody,” will be added to Category 2 (condition 7) and Attachment Q (Item i) where it will also apply to SEZs.

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<p>deny the Prohibition Exemption when specific compelling circumstances exist or can be anticipated from a cursory assessment of physical and biotic landscape circumstances. The slash piles now standing on and immediately adjacent to open, continuous granite substrates threaten water quality in the Echo Lakes, Echo Creek, and below them in the watershed. They must be removed as soon as practicable; they cannot be burned in situ.</p> <p>In addition the Lahontan Board should consider the implications of soil disturbance and pile burning as those actions affect the status of invasive plant species in the Lake Tahoe basin. A strong negative correlation exists between weedy species occurrences and elevation in the Sierra Nevada; with largely undisturbed situations above 7000 feet in the central part of the mountain range remaining weed free, in contrast to disturbed areas at lower elevation, which have been greatly invaded and now experience species composition increasingly weighted to non-natives. The resistance of higher-elevation landscapes to weedy non-native species is in part attributable to the shallow, virtually nutrient-free soils that co-occur with open granite situations; those areas lack the nutrients that stimulate the establishment, growth, and spread of non-native plant species. Burning of piles and debris on such soils "nutrifies" them, making them newly susceptible to invasion by weeds that can permanently dominate those soils and outcompete and exclude native species adapted to low-nutrient circumstances. Pile burning on high-elevation, decomposed granite and other distinct low-nutrient edaphic circumstances functionally assures localized non-native plant species invasion into the last areas of Lake Tahoe that have remained weed free.</p> <p>As an aside, notice was taken of the deletion of slash pile height and width limits. These standards should be restored to decrease the chance of controlled burns becoming uncontrolled burns.</p> <p>Thank you for consideration.</p> <p>Respectfully,</p>  <p>Jo Robinson ELEF Board Member P.O. Box 550908 South Lake Tahoe, CA 96155 ph 408-857-2074 robinsondj@aol.com</p>	<p><b>ELEF-3:</b> As described in the proposed 2014 Timber Waiver Finding 18 (2009 Timber Waiver Finding 15), the Water Board Executive Officer retains the right terminate the applicability of the Timber Waiver for any activity that could affect the quality of waters of the State of California. The following language has been added to the 2014 Timber Waiver as a new General Provision 4 and to Attachment N (Section 3):</p> <p>“This Timber Waiver shall not create a vested right to discharge waste and all such discharges shall be considered a privilege, as provided for in Water Code section 13263, subdivision (g). The Water Board Executive Officer may terminate the applicability of the Timber Waiver described herein to any activity at any time when such termination is in the public interest and/or the activity could affect the quality of the waters of the state for beneficial uses.”</p>

Comment	Response
<p>deny the Prohibition Exemption when specific compelling circumstances exist or can be anticipated from a cursory assessment of physical and biotic landscape circumstances. The slash piles now standing on and immediately adjacent to open, continuous granite substrates threaten water quality in the Echo Lakes, Echo Creek, and below them in the watershed. They must be removed as soon as practicable; they cannot be burned in situ.</p> <p>In addition the Lahontan Board should consider the implications of soil disturbance and pile burning as those actions affect the status of invasive plant species in the Lake Tahoe basin. A strong negative correlation exists between weedy species occurrences and elevation in the Sierra Nevada; with largely undisturbed situations above 7000 feet in the central part of the mountain range remaining weed free, in contrast to disturbed areas at lower elevation, which have been greatly invaded and now experience species composition increasingly weighted to non-natives. The resistance of higher-elevation landscapes to weedy non-native species is in part attributable to the shallow, virtually nutrient-free soils that co-occur with open granite situations; those areas lack the nutrients that stimulate the establishment, growth, and spread of non-native plant species. Burning of piles and debris on such soils "nutrifies" them, making them newly susceptible to invasion by weeds that can permanently dominate those soils and outcompete and exclude native species adapted to low-nutrient circumstances. Pile burning on high-elevation, decomposed granite and other distinct low-nutrient edaphic circumstances functionally assures localized non-native plant species invasion into the last areas of Lake Tahoe that have remained weed free.</p> <p>As an aside, notice was taken of the deletion of slash pile height and width limits. These standards should be restored to decrease the chance of controlled burns becoming uncontrolled burns.</p> <p>Thank you for consideration.</p> <p>Respectfully,</p>  <p>Jo Robinson ELEF Board Member P.O. Box 550908 South Lake Tahoe, CA 96155 ph 408-857-2074 robinsondj@aol.com</p>	<p>→ <b>ELEF-4:</b> The Water Board is concerned about invasive species introductions as it relates to this Timber Waiver and other regulatory programs. Following a century of fire suppression, the goal of many projects implemented under Categories 1-4 and 6 of this Timber Waiver is fuels reduction to decrease the potential for and severity of uncontrolled wildfires. While soil disturbance and pile burning associated with this Timber Waiver may create small areas of altered soil conditions which may encourage colonization by invasive species should a local seed source exist, these impacts are limited when compared to the impacts from a large wildfire. The Water Board has included conditions to limit impacts from soil disturbance and pile burning such as restricting the types of equipment that can be operated off roads, limiting the soil conditions under which off road equipment can operate, limiting the aerial extent of piling and burning within riparian areas, prescribing minimum buffers from waterbodies, and imposing requirements aimed at improving vegetative recovery of burn scars in riparian areas.</p> <p>Attachment Q (Requirements for pile burning in WBBZs and SEZs under Category 6) now requires that Timber Waiver enrollees rake duff or organic mulch over the scar left by pile burning, or perform additional monitoring for vegetative recovery if the piles are not raked. If piles are not raked they must be monitored for the presence of invasive species and corrective actions must occur if invasive species are present. Raking local duff or organic material over the burn scar is intended to facilitate recovery through addition of seeds and microbes, reduced erosion potential, and improve infiltration.</p>

Comment	Response
<p>deny the Prohibition Exemption when specific compelling circumstances exist or can be anticipated from a cursory assessment of physical and biotic landscape circumstances. The slash piles now standing on and immediately adjacent to open, continuous granite substrates threaten water quality in the Echo Lakes, Echo Creek, and below them in the watershed. They must be removed as soon as practicable; they cannot be burned in situ.</p> <p>In addition the Lahontan Board should consider the implications of soil disturbance and pile burning as those actions affect the status of invasive plant species in the Lake Tahoe basin. A strong negative correlation exists between weedy species occurrences and elevation in the Sierra Nevada; with largely undisturbed situations above 7000 feet in the central part of the mountain range remaining weed free, in contrast to disturbed areas at lower elevation, which have been greatly invaded and now experience species composition increasingly weighted to non-natives. The resistance of higher-elevation landscapes to weedy non-native species is in part attributable to the shallow, virtually nutrient-free soils that co-occur with open granite situations; those areas lack the nutrients that stimulate the establishment, growth, and spread of non-native plant species. Burning of piles and debris on such soils "nutrifies" them, making them newly susceptible to invasion by weeds that can permanently dominate those soils and outcompete and exclude native species adapted to low-nutrient circumstances. Pile burning on high-elevation, decomposed granite and other distinct low-nutrient edaphic circumstances functionally assures localized non-native plant species invasion into the last areas of Lake Tahoe that have remained weed free.</p> <p>As an aside, notice was taken of the deletion of slash pile height and width limits. These standards should be restored to decrease the chance of controlled burns becoming uncontrolled burns.</p> <p>Thank you for consideration.</p> <p>Respectfully,</p>  <p>Jo Robinson ELEF Board Member P.O. Box 550908 South Lake Tahoe, CA 96155 ph 408-857-2074 robinsondj@aol.com</p>	<p><b>ELEF-5:</b> Burn pile dimension restrictions were altered in Categories 2, 4, and 6. In Categories 2 and 4, the height restriction was removed but the width (diameter) restriction was maintained. It was determined that the height of a pile is self-limiting by the width, and that the width is much easier to measure in the field than the height.</p> <p>Burn pile size restrictions in Category 6 were removed and replaced by requirements in Attachment Q (Requirements for pile burning in WBBZs and SEZs under Category 6) to facilitate the vegetative recovery of the burn scar. This change reflects a desire to prescribe a more performance based standard that allows for operational flexibility. Burn pile research both within and outside the Tahoe Basin indicates that raking of native duff greatly improves the vegetative recovery of burn scars. Attachment Q now requires that Timber Waiver enrollees rake duff or organic mulch over the scar left by pile burning, or perform additional monitoring for vegetative recovery if the piles are not raked.</p> <p>Concerns regarding controlled burns becoming uncontrolled burns are shared by the all agencies and private business conducting prescribed fire operations. Detailed burn plans must be prepared prior to implementation of prescribed fire. Proper implementation of controlled burning operations is best addressed by the project enrollee.</p>

Comment	Response
<p style="text-align: center;">Philip E. Nemir Forestry &amp; Appraisal Services P.O. Box 1717 Susanville, CA 96130 <a href="mailto:philnemir@hotmail.com">philnemir@hotmail.com</a> (530-257-2294)</p> <p style="text-align: right;">February 27, 2014</p> <p>California Regional Water Quality Control Board Lahontan Region 2501 Lake Tahoe Blvd South Lake Tahoe, CA 96150 Sent via email to: <a href="mailto:douglas.cushman@waterboards.ca.gov">douglas.cushman@waterboards.ca.gov</a></p> <p><u>SUBJECT: Revisions to Timber Waiver</u></p> <p>Dear Members of the Water Quality Control Board:</p> <p>First, let me thank the Board and its Staff for working to improve the Timber Waiver process. I have the following comments:</p> <ol style="list-style-type: none"> <li>1. As I raised five years ago, I believe that the Waiver form should be included as part of the regular THP or NTMP process for Category 5 projects since the Water Board is already involved in plan review. It is much more efficient and logical to include the Waiver at the same time as the Plan is approved. The waiver should last for length of the Plan.</li> <li>2. The "winter period" should take into account that operations are more feasible for a longer duration at lower elevations. Thus, at elevations below 5,500 feet outside of the Tahoe area, a winter operating period of December 1<sup>st</sup> to March 1<sup>st</sup> makes more sense. As I have pointed out in the past, the "winter period" established in the Forest Practice Act was defined 41 years ago and does not reflect the significant change in climate that has occurred since then.</li> <li>3. The term "Waterbody Buffer Zone" should be replaced by "Watercourse and Lake Protection Zone" to simplify the waiver.</li> <li>4. Timber Waiver Category 1, Condition 4. This is too restrictive and would not allow use of graveled roads suitable for winter use, or roads that do not have saturated soils. The language "where vehicle tires or tracks remain dry" should be removed.</li> </ol>	<p>→ <b>Nemir-1:</b> The Regional Water Board has mandates from the California legislature and the State Water Board to regulate vegetation management activities in the Lahontan Region. The proposed 2014 Timber Waiver includes many updates to streamline processes and reporting requirements.</p> <p>→ <b>Nemir-2:</b> The Winter Period for the Lake Tahoe, Little Truckee River, and Truckee River Hydrologic Units is October 15 – May 1, which is in the Lahontan Water Board's Basin Plan. Outside of the these watersheds, the Winter Period of November 15 – April 1 has been unchanged in previous version of the Timber Waiver and there is no compelling reason to change those dates at this time.</p> <p>→ <b>Nemir-3:</b> The Timber Waiver applies to both private and federal forest lands within the Lahontan Region. The term "Watercourse and Lake Protection Zone" is from the California Forest Practice Rules, which are not applicable to federal forest lands. Water Body Buffer Zone is defined in Timber Waiver Attachment B.</p> <p>→ <b>Nemir-4:</b> Timber Waiver Category 1 is for projects that have been determined to have little to no threat to water quality, as compared to projects enrolled under Categories 2-6. The Timber Waiver allows projects to enroll under Category 1 without submitting any paperwork or monitoring information. Winter operations or activities that involve vehicle use in areas where tracks or tires would be in contact with surface water are activities the Timber Waiver considers to be a higher threat to water quality, and those activities are covered under Timber Waiver categories 4, 5, or 6.</p>

Comment	Response
<p>5. Timber Waiver Category 4, Eligibility Criteria 4. Limiting use of dry crossings of Class III watercourses to one per 1,560 feet is too restrictive. At least 3 per ¼ mile is reasonable.</p> <p>6. Timber Waiver Category 6, Condition 17. Not all Class I watercourses support fish. Some may have the designation because they provide domestic water. Language should be re-instated as follows, “that support fish.”</p> <p>7. Attachment A, “Operable”. Limiting ruts to 3” maximum is too restrictive. A depth of “6” inches is more reasonable.</p> <p>In conclusion, it is my opinion that the Timber Waiver provides an unnecessary burden on small non-industrial forest landowners already obligated to comply with California Forest Practice Rules, and at a minimum, any ownership of less than 2,500 acres should be exempt. The CFPR provide more than adequate environmental protection of soils and water quality. Basically, the Timber Waiver is not needed for smaller ownerships.</p> <p>Thanks for consideration of my comments.</p> <p>Sincerely,</p> <p><i>Philip E. Nemir</i></p> <p>Philip E. Nemir Registered Professional Forester No. 1666</p>	<p>Nemir-5: The proposed Timber Waiver has changed the Category 4 Criteria 4 from one crossing per ½ mile to one crossing per ¼ mile. Monitoring for Category 4 projects is limited to implementation monitoring. Timber Waiver Category 6 allows greater flexibility to project implementers to cross watercourses if they have described in the harvest plan or Timber Waiver application, the project modifications and/or mitigation measures that will be implemented to avoid any adverse impacts to water quality.</p> <p>Nemir-6: This change has been made.</p> <p>Nemir-7: Permanent disturbance to riparian roots and deeper soils is likely to occur if heavy equipment operates on overly wet soils. Since the majority of plant roots and soil biota are usually deeper than the top few inches, setting the rut limit to no more than three inches deep will provide protection for the soils and plants.</p>

# **ENCLOSURE 3**

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## **ADDENDUM TO A MITIGATED NEGATIVE DECLARATION**

**PROJECT:**           **Revision of Conditional Waiver of Waste Discharge Requirements for Timber Harvest and Vegetation Management Activities in the Lahontan Region**

**LEAD AGENCY:**   **California Regional Water Quality Control Board, Lahontan Region**

### **A. INTRODUCTION AND REGULATORY GUIDANCE**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has prepared an addendum to the 2009 Mitigated Negative Declaration (2009 MND) for the Revision of a Conditional Waiver of Waste Discharge Requirements for Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver). The Water Board adopted the Timber Waiver (Board Order No R6T-2009-029) and 2009 MND in May 2009. The Water Board is considering a revised Timber Waiver at this time to address:

- the five-year time limit imposed by Water Code section 13269;
- sections of R6T-2009-0029 that have been identified by Water Board staff as vague, duplicative, unnecessarily burdensome to staff or operators, or outdated due to recent scientific research; and
- specific requests made by the Water Board and regulated public and agencies concerning operable soil conditions necessary for vehicle and equipment use off roads, slash burning and piling in Lake Tahoe Stream Environment Zones (SEZs), and the Monitoring and Reporting Program.

The Water Board will consider adoption of the revised Timber Waiver at its April 9-10, 2014 meeting. If adopted, the revised Timber Waiver will have a new Board Order Number and it will be referred to as the 2014 Timber Waiver. The 2009 MND looked at the potentially significant impacts of the activities allowed under the Timber Waiver, and found that with mitigation, there would be no significant impacts to the environment. The scope of this addendum, therefore, is limited to the proposed changes to the 2009 Timber Waiver. This addendum concludes that none of the conditions under 15162 triggering the need for a supplemental MND or Environmental Impact Report (EIR) have occurred and that the environmental impacts of the activities allowed under the revised Timber Waiver are within the scope of the analysis of the 2009 MND.

The Notice of Determination for the adopted 2009 MND for this project was filed on May 19, 2009 (SCH#2009012005). This addendum will be appended to the 2009 MND and will be available by request, along with all supporting materials, at the Water Board's office in South Lake Tahoe.

## **Decision to Prepare an Addendum per California Code of Regulations (CCR) §15162 (CEQA Guidelines)**

This addendum discloses changes in the project related to revisions of the 2009 Timber Waiver. These changes do not require the preparation of a subsequent or supplement MND, as none of the conditions described in CCR §15162 have occurred, as detailed below. This addendum only contains that information necessary to make minor modification to the 2009 MND so that it is adequate for the project as revised (CCR §15164). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.*, and the State CEQA Guidelines, California Code of Regulations (CCR) §15000 *et seq.*

The findings to support preparation of an addendum as opposed to a subsequent or supplement MND or EIR are as follows:

- 15162(a)(1) – The proposed changes will not result in any new significant effects or a substantial increase in the severity of previously identified significant effects. The substantive changes involve the substitution of mitigation measures with equally protective measures and a change in the process by which enrollees in the Lake Tahoe Hydrologic Units can place and burn slash piles in Stream Environment Zones (SEZs).
- 15162(a)(2) – The circumstances under which the Water Board has revised and will implement the Timber Waiver have not changed considerably and no new significant effects have been identified. There is still a growing threat of catastrophic wildfire within the Water Board region, and a legacy of decades of fire suppression that have led to unhealthy forests, as well as a need to streamline permitting for the multitude of timber harvest and vegetation management activities occurring in the Water Board’s region. Many projects have enrolled under the 2009 Timber Waiver, and monitoring of those activities has shown that there have not been any significant impacts as a result of those activities and that imposed mitigation measures have been successful at reducing impacts to less than significant levels.
- 15162(a)(3) – There is ongoing research in the field of timber harvest and vegetation management, and some research projects have been conducted specific to the Water Board region and Lake Tahoe Basin. None of the research evaluated as part of this Timber Waiver revision has identified any new significant impacts not discussed in the 2009 MND. Nor has the research shown that potentially significant effects previously examined would have substantially more severe impacts. Some recent research has led to the development of revised or alternate mitigation measures and the Water Board has incorporated these new mitigation measures into the new Timber Waiver.

### **B. SUMMARY OF REVISIONS**

Both minor and substantive changes were made to the 2009 Timber Waiver. The revised waiver still uses the same six enrollment categories developed for the 2009

Timber Waiver. Revisions to the 2009 Timber Waiver do not result in changes from current conditions and therefore will have no impact on the following resources: aesthetics, agricultural, air quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utilities and service, and mandatory findings of significance. Minor changes include grammatical corrections, organizational changes, new definitions, and clarifications to some categories. Substantive changes include clarifications of eligibility criteria and conditions; revisions to mitigation measures used to decrease potential impacts to biological resources, water quality, and soils; and a change in the process to allow piling and burning within Lake Tahoe SEZs. The following is a summary and discussion of the changes to the 2009 Timber Waiver.

**1. Grammar and document organization:**

There are numerous grammatical and organizational changes to the document that are not related to substantive changes but are intended to facilitate reading and understanding of the document. Examples include the use of new acronyms for phrases used repetitively in the Timber Waiver, replacing the word ‘discharger’ with ‘enrollee’ to describe project proponents, and re-organization of the list of definitions to be alphabetical.

**2. New definitions:**

Several new terms and definitions were added to the Timber Waiver Attachment A. Some of these additions are for terms used in the 2009 Timber Waiver that were not previously defined, such as ‘channel migration zone’ and some are for new terms related to new and revised mitigation measures, such as ‘vegetative recovery,’ ‘operable’ and ‘burn scar.’

**3. Memorandum of Understanding with the Tahoe Regional Planning Agency:**

The 2009 MND for the 2009 Timber Waiver discussed a Memorandum of Understanding between the Water Board and the Tahoe Regional Planning Agency (Resolution R6T-2008-0038) that streamlined permitting of projects within the Lake Tahoe Hydrologic Unit. The Memorandum of Understanding is no longer in effect and all parties conducting timber harvest and vegetation management within the Lake Tahoe basin must obtain coverage under the Timber Waiver (or an individual or applicable general WDR).

**4. Changes and clarifications to eligibility criteria and conditions:**

Revisions were made to several categories to clarify the intent of the category and the eligibility criteria and conditions. The substantive changes are summarized below:

- a. Additional conditions were added to Category 1 to clarify that piling and burning is not allowed in Waterbody Buffer Zones (WBBZ), SEZs, and 100-year floodplains; and that equipment cannot be operated off roads in SEZs and WBBZs. Piling and burning was previously not allowed in SEZs and 100-year floodplains within the Tahoe, Truckee, and Little Truckee Hydrologic Units for Category 1 projects. The restrictions on piling and burning as part of

- Category 1 projects are being expanded to include WBBZs and 100-year floodplains throughout the region. These conditions serve as additional mitigation measures to reduce potential impacts to biological, water quality, and soils resources to less than significant. Enrollees proposing piling and burning in these sensitive riparian areas can enroll under Categories 2, 4, or 6, which require additional restrictions to protect the environment from these types of activities, depending on the project.
- b. In Category 2, eligibility criteria number 3 was revised to clarify that the construction of roads, watercourse crossings, or staging areas is prohibited. Eligibility criteria number 2 already implied this by limiting tractor, vehicle, and equipment access to existing roads; however there remained questions from the regulated community on this issue. The construction of roads, crossings, and staging areas often involves significant grading activities that have increased potential to effect resources and therefore are not appropriate under a category that is reserved for activities having a low threat to water quality.
  - c. Revisions were added to Category 3 to clarify the type of CAL FIRE Exempt projects that are eligible and to clarify what is meant by emergency post-fire work.
  - d. In Categories 2 and 4 the restriction on burn pile height within WBBZs was removed and just the diameter restriction retained. The height of the pile is self-limiting by the diameter, and the maximum diameter of each pile is limited to ten feet to prevent large burns scars from occurring.
  - e. Category 4 revisions include consolidation of some conditions and criteria that were repetitive, and a clarification that the prohibition of new road construction applies to both temporary and permanent roads.
  - f. In Category 5 clarifications were added to the monitoring program for approved CAL FIRE projects.
  - g. The eligibility criteria for Category 6 was clarified to include Federal and Non-Federal post-fire rehabilitation work not meeting the eligibility criteria for Category 3.
  - h. In Category 6, restrictions on slash piling and burning in WBBZs were modified to be consistent with the revised Attachment Q.
  - i. An additional condition was added to Categories 1, 3, and 6 related to the placement of chipped or masticated material. This condition was previously only used in Categories 2 and 4. The condition explicitly states that these materials must not be discharged, or placed where they may discharge to surface waters, and specifies an average depth of 2 inches within WBBZs. This is an additional mitigation measure to reduce the potential impact to biological, water quality, and soils resources from the discharge of waste and from practices that would hinder vegetative recovery.
  - j. Attachment Q (Required Management Actions for Pile Burning within Waterbody Buffer Zones and Stream Environment Zones under Timber Waiver Category 6) was modified by replacing many prescriptive requirements with performance or outcome-based requirements. These changes reflect recent research conducted on pile burning in riparian areas

that include pile burning in WBBZs as well as SEZs. Attachment Q now applies to pile burning in all WBBZs, not just SEZs. The 2009 Timber Waiver Attachment Q did not specify a performance standard for vegetative recovery of the burn scars, but rather specified that slash piles not exceed ten feet diameter by five feet high as a way to limit the area impacted by the piles. The pile size specification in the 2009 Timber Waiver is being replaced for Category 6 projects with a requirement that burn scars show vegetative recovery within two growing seasons. The revised Timber Waiver requires project implementers to ensure that burn scars show vegetative recovery prior to allowing additional slash pile burning in that SEZ or WBBZ.

All Burn scars must either 1) have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage as soon as the burn is completely extinguished, or 2) have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage if the scar is not showing evidence of native vegetative recovery (as defined in Attachment A) within two growing seasons following the burn. The duff or mulch/seed raking is intended to facilitate vegetative recovery of the site, limit the opportunity for invasive species re-colonization of the impacted area, increase natural infiltration, and prevent soil erosion. Project implementers that elect option 2) must monitor all burn piles and report on vegetative recovery using Timber Waiver monitoring forms and reporting deadlines until vegetative recovery (as defined in Attachment A) is determined to be adequate by the Water Board Executive Officer. The focus on soil recovery and revegetation of the burn scar in SEZs and WBBZs will ensure that impacts from pile burning in these sensitive areas remain less than significant.

#### **5. Monitoring and Reporting Program revisions:**

Minor changes were made to several reporting forms to improve consistency and tracking of projects. The major change is the requirement that all enrollees use the reporting forms and schedule in the Timber Waiver. Previously, enrollees could submit the required information using alternate forms or formatting, and the U.S Forest Service could use an existing program to replace forensic and effectiveness monitoring. This caused a substantial burden for Water Board staff reviewing and interpreting the monitoring results. The requirement for all enrollees to use the supplied forms will improve efficiency and tracking for the monitoring and reporting program.

#### **6. Modification of soil operability conditions:**

In Categories 2, 4, and 6 revisions were made to requirements for soil operability conditions necessary for equipment operations off roads. The 2009 Timber Waiver specified 'dry' soil conditions must be present to operate equipment off roads in Category 2, or off roads within WBBZ and SEZs under Categories 4 and 6. The mitigation measure specifying dry soils conditions for certain equipment operations was intended to protect soil resources by preventing rutting, displacement and compaction. The term 'dry' has been replaced with 'operable' as defined in the

Timber Waiver Attachment A. The usage of dry as defined in the 2009 Timber Waiver was shown to be potentially overly restrictive of field implementation and required soil moisture testing that given the natural variability in soil types was not easily or reliably conducted by the variety of natural resource professionals implementing projects. The change to “operable” soil conditions will provide a more objective and reliable visual assessment of soil conditions that will still protect soil, water quality, and biological resources. This definition relies on visual assessment of soil rutting to assess conditions. No changes were made to restrictions on operations in saturated soil conditions.

A primary concern is preventing potential damage and disruption to soils and/or vegetation that may occur when the soils are oversaturated or wet. Mechanized equipment operating on excessively wet soils can sink into the soils and create deep ruts. Compaction is less of a concern for the operable soils conditions in the off road areas for these two main reasons: 1) the off road travel typically does not receive repeated traffic and one or two passes with heavy equipment are usually not sufficient enough to compact soils, and 2) the off road areas typically have some percent of organic matter within the upper twelve inches, such as slash, or duff, or native vegetation, and soils with a high organic content are difficult to compact even under repeated heavy traffic. For these reasons the change of the mitigation measure from ‘dry’ to ‘operable’ when coupled with the other mitigation measures will still result in less than significant impacts.

#### **7. Basin Plan Prohibition Exemption for the Lake Tahoe Hydrologic Unit:**

The Water Quality Control Plan for the Lahontan Region (Basin Plan) prohibits the discharge of waste and permanent disturbance to SEZs in the Lake Tahoe Hydrologic Unit. The Water Board’s Executive Officer can grant exemptions to this prohibition if certain findings are made as specified in the Basin Plan. Enrollees under the 2009 Timber Waiver who proposed slash piling and burning within SEZs were required to provide Water Board staff with the information necessary to justify a Basin Plan prohibition exemption and wait for a 10-day public review and comment period prior to the Water Board’s Executive Officer granting an exemption allowing the piling and burning to proceed. The granting of project level Basin Plan prohibition exemptions under this process was repeatedly done during the term of the 2009 Timber Waiver without public concern or significant environmental impact being identified. Those projects receiving exemptions implemented the mitigation measures described in Attachment Q of the 2009 Timber Waiver to protect sensitive soils and water quality. In the interest of streamlining the permitting process for this activity, the revised Timber Waiver includes Basin Plan prohibition exemption coverage (revised Attachment N) for limited slash piling and burning within SEZs for Category 6 projects that meet the requirements outlined in the revised Attachment Q. Several additions were made to the Findings section of the revised Timber Waiver, as well as a detailed set of findings in revised Attachment N, to support the decision to incorporate the exemption process for certain limited piling and burning activities into the Timber Waiver.

The revised Attachment N now includes the required findings that must be made to grant an exemption. Changes to Attachment Q, as discussed in item 4.j. above, update and improve mitigation measures for piling and burning in SEZs.

Any project that proposes slash pile burning within SEZs that does not meet the requirements specified in the revised Attachment Q would require a project-level Basin Plan prohibition exemption, in accordance with the process set forth within the Basin Plan and followed under the 2009 Timber Waiver.

## 8. Corrections

The 2009 MND stated that mechanical site preparation is prohibited under Category 4 this restriction was not included in the 2009 Timber Waiver. To correct this issue, a condition was added to Category 4 specifically prohibiting mechanical site preparation. This will further reduce potential soil, biological, and water quality related impacts to less than significant.

Another correction to be noted is incorrect information contained in the MND regarding the limited prescribed burning that is allowed under Category 2. In the Biological resources section of the 2009 MND it states that prescribed burning is not allowed in WBBZs under Category 2. However, Category 2 as discussed in the Soils and Hydrology sections of the 2009 MND and as written in the 2009 Timber Waiver does allow for limited use of prescribed fire in WBBZs. Conditions in Category 2 limiting the amount of area in the WBBZ could be covered in piles, pile size, and the proximity of the piles to watercourses were included in the 2009 Timber Waiver, and discussed in several sections of the 2009 MND. Limited use of prescribed fire will continue to be allowed under Category 2 in the revised Timber Waiver.

## C. GREENHOUSE GAS EMISSIONS

Greenhouse gas (GHG) impacts were not analyzed in the 2009 MND, so are being analyzed in this addendum.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

State of California law defines GHG to include the following: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (Health and Safety Code, section 38505(g).) The most common GHG that results from human activity is carbon dioxide (CO<sub>2</sub>), followed by methane and nitrous oxide.

Current climate models for forests and rangelands predict that California will soon be experiencing many changes as a result of climate change. These include increased wildfire frequency and intensity; longer fire seasons; declines in distribution, productivity and health of conifers and some range species; changes in ecosystems, wildlife habitat and populations; potential increases in drought, insects and disease; and increased spread of invasive species.

Healthy forests have an important role to play in addressing climate change. Trees remove carbon dioxide, the primary greenhouse gas of concern, from the air and store it as carbon in as they grow. When trees die, they release CO<sub>2</sub> back into the atmosphere. Forest damage and loss to wildfires, insects and disease, or development can result in large CO<sub>2</sub> emissions.

Uncontrolled wildfires can contribute relatively large amounts of greenhouse gasses, including CO<sub>2</sub> to the atmosphere. Wildfires present a risk for high levels of emissions and associated negative effects to air quality, in part due to the release of carbon that was sequestered in the forest biomass prior to the wildfire.

- a) The Timber Waiver is intended to regulate a broad variety of vegetation management activities, from fuels reduction for defensible space, to thinning for forest health, to commercial timber operations. Vegetation management will occur by a variety of hand and mechanized methods. Implementation of this Project will not result in an increase or decrease in the amount and type of vegetation management activities occurring in the Lahontan Region, its purpose is to allow more efficient permitting of such activities in a manner that is protective of water quality.

The impact of individual activities enrolled under this Timber Waiver on GHG emissions will vary and depend on many factors, including soil impacts, treatment of residual forest biomass, proportion of carbon removed from the site, type of forest product removed, transportation used, and duration and disposal of the products. To date, quantitative relationships between these factors and net carbon storage have not been clearly established.

However, the California Department of Forestry and Fire Protection (CAL FIRE) has identified several forestry strategies for reducing or mitigating greenhouse gas emission that are directly applicable to this Project, including:

- Reforestation to sequester more carbon
- Fuels reduction to reduce wildfire emissions and utilization of those materials for renewable energy

- Improved management to increase carbon sequestration benefits and protect forest health

Further, forest protection and management can mitigate greenhouse gas emissions primarily through the process of sequestration. As part of the California Governor's Climate Action Team, CAL FIRE identified and has begun to analyze potential opportunities for GHG mitigation from the following activities:

- **FOREST MANAGEMENT:** Forest management includes activities to improve forest health and to increase productivity such as reforestation, stand thinning, removal of competing vegetation, fuels reduction and timber harvest. Actions that promote faster growth, bigger trees, and forest stands that are more resistant to insects, disease, and fire can result in more rapid CO<sub>2</sub> sequestration and can reduce risk of emissions from mortality and wildfires.
- **FUELS MANAGEMENT AND BIOMASS:** Fuels management is the reduction of tree density, brush or other vegetation to decrease fire hazard. Fuels management in high risk and high hazard areas may result in net mitigation benefits by preventing wildfires and reducing damage. When fuel biomass is used to generate energy rather than burned or directed to landfill, it provides additional benefits as an alternative to fossil fuel.

Activities enrolled under this revised waiver are typically conducted to improve forest health, remove fuels to reduce the threat of catastrophic wildfire, and conduct commercial timber harvest and reforestation. All of which are recognized by CAL FIRE as having potential mitigation effects on GHG, therefore the appropriate finding is less than significant impact.

- b) The revised Timber Waiver does not weaken or alter the need to comply with applicable regulations, plans and policies. The adoption and implementation of this waiver does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over air quality and GHG emissions related to vegetation management. Therefore the appropriate finding is no impact.

## D. REFERENCES

The following references were reviewed to guide development of the 2014 Timber Waiver.

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# **ENCLOSURE 4**

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*California Environmental Quality Act*  
(CEQA)

INITIAL STUDY

Supporting the Preparation of a Mitigated Negative Declaration

for

Revision of Conditional Waiver of Waste Discharge Requirements for Timber  
Harvest and Vegetation Management Activities in the Lahontan Region

April 2009

**(revised from the January 2009 Initial Study)**

California Regional Water Quality Control Board, Lahontan Region  
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**530-542-5400**

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### Attachments

1. Comparison of the Notification, Monitoring, and Reporting Conditions between the 2007 Timber Waiver and the proposed Timber Waiver
2. Response to comments including copies of all comment letters received during the January 2009 public comment period
3. Proposed Timber Waiver

## PROJECT DESCRIPTION

This project involves revising the *Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities in the Lahontan Region* (R6T-2007-0008 [2007 Timber Waiver]), by adopting and implementing the proposed Timber Waiver (proposed Timber Waiver). The 2007 Timber Waiver will remain in effect for activities previously enrolled under the 2007 Timber Waiver.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is proposing to waive the need to submit Reports of Waste Discharge and obtain Waste Discharge Requirements for discharges, or threatened discharges, of wastes including but not limited to earthen materials (i.e., soil, silt, sand, clay, and rock), organic materials (i.e., slash, sawdust, and bark), and silvicultural herbicides, resulting from timber harvest and vegetation management activities in the Lahontan Region which meet the eligibility criteria and comply with the conditions and general provisions set forth in the proposed Timber Waiver. The proposed Timber Waiver identifies six categories of activities described by eligibility criteria for each category. To be eligible for the proposed Timber Waiver, persons must comply with specific criteria and conditions set forth to ensure that impacts to water quality remain at less than significant levels.

In January 2009, the Water Board released a tentative revised Timber Waiver and Initial Study for a thirty day public review. Twelve comment letters were received. The Water Board staff met with persons submitting comments and made a number of revisions to the Timber Waiver, mostly clarifications. This Initial Study updates the January 2009 Initial Study to address the substantive changes.

The definition of **timber harvest and vegetation management activities ("activities")** for the purpose of this project is:

all activities related to the management of vegetation for the purposes of fuel reduction; forest thinning; establishment of shaded fuel break; and/or environmental improvement (such as forest enhancement, riparian enhancement, and aspen stand enhancement); prescribed burning; cutting or removal of trees and vegetation, together with all the work incidental thereto, including, but not limited to, construction, reconstruction, maintenance, and decommissioning of roads, fuel breaks, stream crossings, landings, skid trails, or beds for the falling of trees; burned area rehabilitation; hazard tree removal; site preparation that involves disturbance of soil, burning of vegetation, or herbicide/pesticide application. Vegetation management activities do not include aquatic vegetation management, preparatory tree marking, surveying, or road flagging.

The proposed Timber Waiver will apply to these activities throughout the Lahontan region. For activities located in the area of mutual jurisdiction of the Water Board and the Tahoe Regional Planning Agency (TRPA) in the Lake Tahoe Region, the TRPA is the lead agency for permitting and review of timber harvest and vegetation

management activities under the terms of a 2008 Memorandum of Understanding (MOU). Project proponents are not required to apply to the Water Board for coverage under the Timber Waiver if their project is regulated by the TRPA and in accordance with the agreements of the MOU and the Waiver of Report of Waste Discharge adopted by the Water Board (Resolution R6T-2008-0038).

## **SPECIFICS OF THE PROPOSED PROJECT**

Proposed revisions to the 2007 Timber Waiver include minor changes (i.e., grammar and document organization) and substantial changes (i.e., revising the categorization scheme, eligibility criteria, conditions, and application and monitoring requirements). Changes made between the January 2009 tentative Timber Waiver and the proposed Timber Waiver include, but are not limited to (1) addition of projects under CALFIRE approved Dead, Dying, Diseased Exemptions with restrictions to Category 1, (2) addition of projects to Category 1 undertaken to remove hazard trees in response to an imminent threat to life or property, (3) allowing limited prescribed fire to Categories 2 and 4, (4) findings and conditions recognizing specific pollutants of concern and waste discharge prohibitions for Lake Tahoe and Truckee River Hydrologic Units. The scope of the environmental analysis within this Initial Study is limited to the proposed changes between the 2007 Timber Waiver and the proposed Timber Waiver.

The proposed Timber Waiver is attached to this Initial Study.

## **PURPOSE OF AND NEED FOR PROJECT**

The purpose of the project is to protect water quality, further expedite fuels reduction efforts in the Lahontan Region, clarify Timber Waiver requirements, and facilitate compliance with waiver conditions. These proposed revisions are being made in response to requests made by the Lahontan Water Board, the regulated public and agencies, and the California-Nevada Tahoe Basin Fire Commission.

The need for the project was identified in the *California-Nevada Tahoe Basin Fire Commission Report* (May 2008). This document was developed following the June - July 2007 Angora fire in South Lake Tahoe, which damaged or destroyed hundreds of structures and utilities and burned over 3,000 acres of forested land within the Lake Tahoe Basin.

In May 2008, following review of the *California-Nevada Tahoe Basin Fire Commission Report* (Fire Commission report), Governor Arnold Schwarzenegger issued a Proclamation regarding current forest fuels and regulatory conditions in the Lake Tahoe Region following the Angora fire. The Proclamation found that a state of emergency exists within the Tahoe Basin counties of Placer and El Dorado relative to wildfire risk, and certain actions should be implemented to improve fire suppression, fuels management, planning, and regulatory streamlining. The Governor's Proclamation found the current regulatory environment within the Tahoe Basin for fuels treatment activities:

" . . . confusing, overly complex and often incompatible with the immediate need to mitigate the threat of catastrophic wildfire, and that such regulation and procedures require the immediate attention of agencies and authorities having jurisdiction over the health and conditions of the forests in the Basin, including but not limited to the TRPA, in order to eliminate or otherwise reduce the adverse effects of confusing, overlapping, or unnecessarily restrictive regulations and regulatory procedures . . . ."

Although the Governor's Proclamation was specific to the Lake Tahoe Basin, the Water Board recognizes the need to clarify and revise the 2007 Timber Waiver to facilitate fuels treatments for public health and safety, and increase understanding of the Timber Waiver's conditions and requirements region-wide. Therefore, Water Board staff is proposing these revisions to the 2007 Timber Waiver to fulfill the purpose and need for the project, as outlined above.

The scope of this proposed action is limited to revisions that can be made without requiring an amendment to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). Amending the Basin Plan would require additional environmental and scientific peer review. Because of the length of time involved in completing Basin Plan amendments, the Water Board may consider changes to the Basin Plan in a separate action at a later date.

## **CONSISTENCY WITH PLANS AND POLICIES FOR WATER QUALITY PROTECTION**

Between 1988 and 2003, the Lahontan Water Board waived waste discharge requirements for timber harvest activities operating under approved California Department of Forestry and Fire Protection (CAL FIRE) Timber Harvesting Plans or federal timber sales, according to Resolution No. 6-88-18, *Waiver for Waste Discharge Requirements for Specific Types of Discharges*. In January 2003, after legislative imposed expiration of Resolution No. 6-88-18, the Lahontan Water Board adopted Resolution No. R6T-2003-0001, *Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities in the Lahontan Region* (2003 Timber Waiver). The 2003 Timber Waiver conditionally waived waste requirements for timber harvest activities on lands throughout the Lahontan Region, including both nonfederal lands (i.e., lands owned and managed by private landowners, local governments, public utility districts, etc.) and federal lands managed by the U.S. Forest Service. Environmental impacts of the 2003 Timber Waiver were analyzed under a Negative Declaration, certified by the Water Board on January 8, 2003.

In February 2007, the 2003 Timber Waiver was rescinded with the adoption of a renewed Timber Waiver, Resolution No. R6T-2007-0008 (2007 Timber Waiver). The 2007 Timber Waiver covered the same types of activities as the 2003 Timber Waiver; however, unlike the previous waivers, the 2007 Timber Waiver included monitoring and reporting requirements for timber harvest and vegetation management activities determined by the Lahontan Water Board to pose a threat to water quality, pursuant to California Water Code (Water Code) section 13269 (as amended January 1, 2005). Environmental impacts of the 2007 Timber Waiver were determined to remain within

the project scope of the Initial Study and Negative Declaration certified for the 2003 Timber Waiver, and no additional analysis was conducted pursuant to the California Environmental Quality Act.

Under this proposed Timber Waiver, the Water Board will continue to waive waste discharge requirements for specified discharges associated with timber harvest and vegetation activities within the Lahontan Region. Similar to the 2007 Timber Waiver, the revised Timber Waiver will be conditional and may be terminated at any time by the Lahontan Water Board pursuant to Water Code section 13269, subdivision (a)(2). To ensure that the proposed Timber Waiver is in the public interest and consistent with the Basin Plan, conditions of eligibility are proposed, consistent with the Water Code section 13269, subdivision (a)(1).

These conditions are proposed for each Timber Waiver category to ensure that activities carried out under the Timber Waiver will not adversely impact water quality. Notification and application requirements provide a mechanism for Water Board staff to provide feedback on vegetation management proposals to avoid water quality problems, and ensure eligibility and compliance with Timber Waiver conditions and ensure management measures are implemented and effective. Monitoring requirements are intended to further ensure compliance with waiver conditions and eligibility criteria, and to verify the adequacy and effectiveness of the Timber Waiver's conditions.

The proposed Timber Waiver does not limit or change the existing authorities or responsibilities of other agencies. For example, on private timberlands, CAL FIRE is the lead agency for conducting CEQA analysis and issuing permits to timberland owners and operators performing timber harvest and vegetation management activities within the project area. On lands managed by the U.S. Forest Service or the U.S. Bureau of Land Management, approval to conduct timber harvest and vegetation management activities is only granted after the federal agency has prepared environmental documents to comply with the National Environmental Policy Act (NEPA). On lands owned and/or managed by the State of California (i.e., California Department of Parks and Recreation, California Tahoe Conservancy, and the California Department of Transportation), approval to conduct timber harvest and vegetation management activities is granted only after environmental analysis in compliance with CEQA is completed.

Within the Lake Tahoe region, the TRPA regulates vegetation management activities through a tree removal permitting system and memoranda of understanding with land management agencies and fire districts. The Water Board and the TRPA are currently implementing a cooperative approach to regulating vegetation management activities in the Lake Tahoe Region, through an MOU for vegetation management activities. Under the Vegetation Management MOU, the TRPA is responsible for reviewing proposed activities, issuing permits, conducting inspections and taking enforcement action as necessary to ensure compliance with permits and applicable regulations, including its Code of Ordinances and Water Quality Management Plan for the Lake Tahoe Region ("208 Plan") for activities in the Lake Tahoe Region. The provisions and prohibitions of

the Water Quality Control Plan of the Lahontan Region (Basin Plan) are similar to those contained in the TRPA ordinances and plans. The Water Board found it to be in the public interest and in compliance with the Basin Plan to waive the requirement for persons to file a report of waste discharge with the Water Board for these activities in the Lake Tahoe Region when TRPA is regulating the activity.

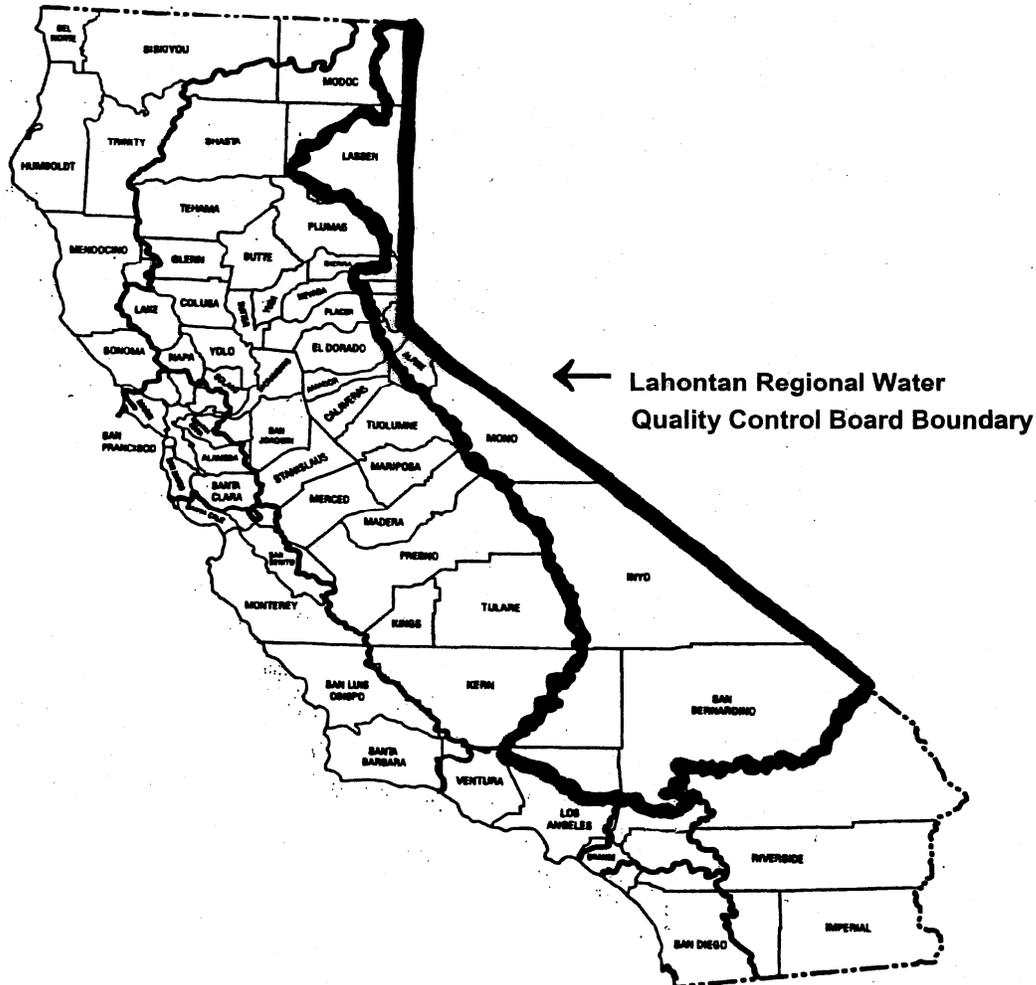
As described above, the proposed project is consistent with applicable plans and policies regarding water quality protection in the Lahontan Region. The Lahontan Water Board proposes to make a determination that the timber harvest and vegetation management activities conducted in compliance with the conditions described within the proposed Timber Waiver are consistent with the Water Quality Control Plan for the Lahontan Region (Basin Plan) and is in the public interest pursuant to Water Code section 13269, subdivision (a)(1).

## **ENVIRONMENTAL SETTING**

The Lahontan Region (Figure 1) is comprised of about 33,131 square miles of land, a significant portion of which is forestland. The Region includes over 700 lakes, and over 3,000 miles of streams in eastern California, including the California portion of the Lake Tahoe Basin. The Lahontan Region includes the highest (Mount Whitney) and lowest (Death Valley) points in the contiguous United States, and the topography of the remainder of the Region is diverse. The Region includes the eastern slopes of the Warner, Sierra Nevada, San Bernardino, Tehachapi and San Gabriel Mountains, and all or part of other ranges including the White, Providence, and Granite Mountains. Topographic depressions include the Madeline Plains, Surprise, Honey Lake, Bridgeport, Owens, Antelope, and Victor Valleys.

Much of the Lahontan Region is in public ownership, with lands managed by agencies such as the U.S. Forest Service, National Park Service, and Bureau of Land Management, various branches of the military, the California State Department of Parks and Recreation, and the City of Los Angeles Department of Water and Power. Land uses include rangeland grazing, recreation, timber harvest, mining, irrigated agriculture, energy production, water supply transport and storage, and urban uses.

**Figure 1: Project Area (Lahontan Region)**



## **DISCUSSION OF POTENTIAL EFFECTS OF PROPOSED PROJECT**

CEQA requires a Lead Agency to prepare an Initial Study to determine whether a project may have a significant effect on the environment (Cal. Code Regs., tit. 14, section 15063(a)). A "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (Cal. Code Regs., tit. 14, section 15382). If the Initial Study does not show that there is substantial evidence, in light of the whole record before the agency, that a project may have a significant effect on the environment, a Negative Declaration may be prepared. If the Initial Study identifies potentially significant effects, but identifies revisions or conditions to mitigate the effects

to a point where clearly no significant effects would occur, a Mitigated Negative Declaration may be prepared (Cal. Code Regs., tit. 14, section 15070).

The Lahontan Water Board has waived waste discharge requirements for timber harvest activities since 1988. However, this project (the revised Timber Waiver) does contain substantive changes over past Timber Waivers in several areas. These changes include:

- organizing Timber Waiver categories based on threat to water quality, and de-emphasizing land ownership as a basis for categorization
- expanding the types of activities that may proceed under the revised Timber Waiver without notification to Water Board staff
- expanding the types of activities that may proceed under the revised Timber Waiver without 30-day notification to Water Board staff (See Attachment 1- Comparison of the Notification, Monitoring, and Reporting Conditions between the 2007 Timber Waiver and the proposed Timber Waiver)
- revised Timber Waiver eligibility criteria, conditions, and definitions
- removing, reducing, and/or clarifying monitoring requirements for certain categories of activities
- providing expanded conditional opportunities for activities within sensitive lands<sup>1</sup>
- explicit interpretation of prohibitions contained in the Water Quality Control Plan for the Lahontan Region (Basin Plan) against waste discharges to lands within the 100-year floodplains in the Little Truckee River, Truckee River, and Lake Tahoe hydrologic units (HUs), and prohibitions against “permanent disturbance” in Stream Environment Zones (SEZs) in the Lake Tahoe HU
- allowance for conditional operation of low ground pressure equipment to within 25 feet of a watercourse
- allowance for the deposition of limited chipped material within Waterbody Buffer Zones
- explicit conditions for prescribed fire

These substantive changes are proposed by Water Board staff for several reasons:

- to streamline implementation of a broader range of vegetation management activities to mitigate the threat of catastrophic wildfire, while ensuring less than significant impacts to water quality
- to facilitate compliance with Timber Waiver conditions, and assist applicants in identifying eligibility criteria, conditions, and monitoring requirements that apply to their proposed activities

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<sup>1</sup> The term ‘sensitive lands’ used within this Initial Study and the Timber Waiver includes: aquatic and wetland habitat, soils with high or extreme erosion hazard rating, slopes greater than 40%, known slides and unstable areas (including unstable and erodible watercourse banks, migrating channels, overflow channels, watercourse channels with inadequate flow capacity, flood prone areas, riparian areas, 100-year floodplains within the Truckee River, Little Truckee River, and Lake Tahoe Hydrologic Units (HUs), slopes over 30% in the Lake Tahoe HU, and Stream Environment Zones within the Lake Tahoe HU.

- to allow Water Board staff to focus limited staff resources on timber harvest and vegetation management activities that pose greater threats to water quality.

Some of the proposed changes could have an effect on the environment in the project area over current conditions (i.e., regulation of timber harvest and vegetation management activities under the 2007 Timber Waiver). For each CEQA factor, Water Board staff evaluated potential environmental effects from proposed changes in regulation in the proposed Timber Waiver from the 2007 Timber Waiver. For example, providing expanded opportunities for fuels reduction activities on sensitive lands, or expanding the types of activities that may proceed without notification to Water Board staff may result in impacts to water quality, soils or biological resources. In developing the proposed Timber Waiver, Water Board staff included criteria, conditions, and monitoring requirements to ensure that the activities that proceed under the proposed Timber Waiver will not result in significant impacts. Criteria and conditions limit the scope, extent or nature of activities that are eligible for the proposed Timber Waiver, and monitoring requirements determine the efficacy of these stipulations in protecting water quality. For each CEQA factor in the following checklist, the criteria and conditions included in the proposed Timber Waiver to reduce potential impacts to less than significant levels are described.

Further, as noted above, the proposed Timber Waiver would not limit or change the existing requirements, authorities or responsibilities of the Water Board and other agencies, nor does it allow discharges which would result in Basin Plan violations, or the creation of a pollution or nuisance. Where applicable, the requirements and authorities of other agencies are described in the following checklist.

Therefore, activities that are designed and implemented to comply with the conditions and criteria of the revised Timber Waiver will have less than significant impacts on the environment. Activities that are not designed (or revised) to meet the conditions and criteria for this revised Timber Waiver must file a Report of Waste Discharge with the Water Board, containing specific information as required. The Water Board would then consider issuing individual Waste Discharge Requirements for that activity.

## INITIAL STUDY/ENVIRONMENTAL CHECKLIST

1. **Project title:**  
Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region.
2. **Lead agency name and address:**  
California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board)  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150
3. **Preparer and phone number:**  
Andrea Stanley, (530) 542-5406
4. **Project location:** The Lahontan Water Board's jurisdiction, which encompasses all or parts of Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, Mono, Inyo, San Bernardino, Kern, and Los Angeles counties.
5. **Project sponsor's name and address:**  
Lahontan Water Board  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
Attn: Andrea Stanley
8. **Brief Description of project:**  
This project involves the revision of the existing Timber Waiver (Resolution No. R6T-2007-0008) by the adoption and implementation of a Board Order that will continue to conditionally waive waste discharge requirements for specified discharges associated with timber harvest activities within the Lahontan Region.
9. **Surrounding land uses and setting:**  
Rangeland grazing, recreation, mining, timber harvest, irrigated agriculture, open space, and urban uses.
10. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.)  
Approval by another public agency is not required. This project may be superseded by the adoption by the State Water Board of specific waste discharge requirements or general waste discharge requirements for types of discharges covered by this project.

This project does not preclude the need for persons conducting timber harvest and vegetation management activities to obtain permits which may be required by other local and governmental agencies.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors marked below would be potentially affected by this project, as indicated by the checklist on the following pages.

	Aesthetics		Agriculture Resources		Air Quality
X	Biological Resources		Cultural Resources	X	Geology Soils
	Hazards & Hazardous Materials	X	Hydrology/Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population/Housing
	Public Services		Recreation		Transportation/Traffic
	Utilities/Service Systems	X	Mandatory Findings of Significance		

## EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The

lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
- a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

a-c) Timber harvesting activities could have aesthetic impacts; however, the revised Timber Waiver would not alter or weaken the need to comply with existing regulations regarding aesthetic values that currently apply to activities regulated under the 2007 Timber Waiver. Therefore, it is not anticipated that the adoption and implementation of the proposed Timber Waiver would affect the nature or extent of any aesthetic impact over current conditions (i.e., regulation of timber harvest and vegetation management activities under the 2007 Timber Waiver).

Therefore, because the proposed Timber Waiver would not alter or weaken the need to comply with existing regulations regarding aesthetic values that currently apply under the 2007 Timber Waiver the appropriate finding is **no impact**.

d) The proposed project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

a-c) The proposed project would not involve converting or re-zoning agricultural land to non-agricultural use. There will be no change to agricultural resources in the project area over existing conditions due to the proposed Timber Waiver; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

a-e) Timber harvesting activities may generate dust emissions as the result of road and trail construction and use, and the construction of landings and pads. Nitrogen and sulfur oxides may be emitted during timber harvesting activities, including from use of heavy equipment engines. Smoke will be emitted during use of prescribed fire. However, it is not anticipated that the proposed Timber Waiver will result in an increase in these emissions over current conditions (i.e., regulation of timber harvest and vegetation management activities under the 2007 Timber Waiver).

The proposed Timber Waiver does clarify allowable activities regarding prescribed fire. Revised waiver categories 4 and 6 clarify that prescribed fire, including both pile burning and broadcast burning, can *conditionally* occur in Waterbody Buffer Zones. The 2007 Timber Waiver did not prohibit this activity for similar waiver categories, but did not specify conditions to protect water and soils resources. As such, the change between the 2007 waiver and the proposed waiver represents a clarification only, which will not

result in an increase in smoke emissions over current conditions. Further, the proposed Timber Waiver would not alter or weaken the need to comply with existing regulations regarding air quality that currently apply. The adoption and implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over air quality issues related to vegetation management (e.g., requirements for smoke management or dust abatement by state, local or federal agencies, or county air districts). Therefore, the adoption and implementation of the proposed Timber Waiver would not affect the nature or extent of any impact to air quality over current conditions.

Therefore, because the proposed Timber Waiver would not alter or weaken the need to comply with existing regulations regarding air quality that currently applies under the 2007 Timber Waiver and the proposed Timber Waiver provides clarification regarding the conditions under which prescribed fire may occur in certain locations, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES --</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

a-d) The proposed Timber Waiver contains both general and category-specific conditions and criteria to ensure that activities that proceed under the proposed Timber Waiver will have less than significant impacts to biological resources, including candidate, sensitive or special status species or their habitat (including wetlands, riparian areas and/or nursery sites).

General Conditions 1 and 6 require compliance with the Basin Plan, and prohibit the creation of a pollution, contamination, or nuisance, as defined by the California Water Code section 13050. Compliance with the Basin Plan requires that water quality standards and waste discharge prohibitions must not be violated by activities that proceed under the proposed Timber Waiver. The Basin Plan specifies region-wide and location-specific water quality objectives for waste discharges subject to the proposed Timber Waiver. These objectives set narrative or numeric limits for constituents that may be associated with timber harvest and vegetation management activities such as biostimulatory substances, dissolved oxygen, floating materials, pH, sediment, settleable and suspended materials, temperature, toxicity, nondegradation of aquatic communities and populations, and pesticides.

These water quality objectives are established to protect beneficial uses of the region's waters. The water quality objectives in conjunction with the identification of water body-specific beneficial uses constitute the water quality standards. Beneficial use designations in the Lahontan Region incorporate protection of biological habitats and sensitive species, including 8 separate designations for biological resources (Warm Freshwater Habitat; Cold Freshwater Habitat; Inland Saline Water Habitat; Wildlife Habitat; Preservation of Areas of Special Biological Significance; Rare, Threatened, or Endangered Species; Migration of Aquatic Organisms; Spawning, Reproduction, and Development). Since the proposed Timber Waiver requires compliance with the Basin Plan, all of these beneficial uses are protected from adverse impacts of timber harvest

activities. Additionally, the Timber Waiver contains specific conditions related to preventing sediment transport to water bodies, protection or enhancement of fish passage and protection of riparian vegetation. Therefore, activities that proceed in compliance with the Timber Waiver must be designed and implemented to ensure biological resources are protected, and any impacts will be reduced to less than significant levels.

The categorical treatment of timber harvest activities further ensures that biological impacts will be less than significant. Activities eligible for the proposed categories vary in scope from those conducted around existing structures to comply with defensible space mandates (Category 1, very low or no threat to water quality, including biological resources dependent on water quality), to commercial timber harvest activities on sensitive lands (Category 5, potentially significant threat to water quality, including biological resources dependent on water quality). Category-specific criteria and conditions, including mitigation and monitoring requirements, are scaled to the potential threat to water quality posed by the eligible activities.

Revised Timber Waiver Category 1 covers only activities:

- conducted near structures, or areas zoned as residential, commercial, or industrial.
- involving removal of trees posing an imminent threat to life or property.
- conducted under a Forest Fire Prevention Exemption or Dead, Dying, Diseased Exemption issued by the California Department of Forestry and Fire Protection (CAL FIRE) pursuant to California Code of Regulations (CCR), title 14, section 1038, subdivisions (b) and (i) with no exceptions to condition nos. 6 and 9, prohibiting equipment operations within waterbody buffer zones except on existing roads.

Activities conducted under a Forest Fire Prevention Exemption are subject to:

- CCR, title 14, section 1038, subdivision (i)(6), which requires the Registered Professional Forester submitting the Notice of Exemption to CAL FIRE to “provide the selection criteria for the trees to be removed or the trees to be retained. In the development of these criteria, and the fuel reduction prescriptions, the RPF should consider retaining habitat elements, where feasible, including, but not limited to, ground level cover necessary for long-term management of local wildlife populations.”
- CCR, title 14, section 1038, subdivision (i)(14), which requires CAL FIRE staff to conduct at least one inspection at the completion of operations.

Activities conducted under a Forest Fire Prevention Exemption or the Dead, Dying, Diseased Exemption are subject to:

- CCR, title 14, section 1038, subdivision (b)(3), which limits activities within key habitat areas of federal or state designated threatened, rare, or endangered species.

- CCR, title 14, section 1038, subdivision (b)(6), which prohibits heavy equipment operations near waterbodies (except for the maintenance of roads and drainage facilities or structures).
- CCR, title 14, section 1038, subdivision (b)(7), which prohibits the disturbance, threat, or damage or known sites of rare, threatened, or endangered plants or animals.
- CCR, title 14, section 1038, subdivision (b)(8), which prohibits activities within the buffer zone of sensitive species.

Category 1 contains additional conditions to ensure water quality and biological resources are protected, including conditions requiring the stabilization and minimization of areas disturbed by vegetation management activities, and conditions prohibiting crossing waterbodies (including dry ephemeral streams) with equipment. The criteria and conditions of Category 1 limit eligible activities such that their impacts will be less than significant.

Revised Timber Waiver Category 2 covers only those activities that are conducted by hand crews and low impact (ground pressure less than 10 pounds per square inch) equipment to assist hand crews in processing materials cut by hand crews such as chippers and brush mowers. Category 2 contains criteria and conditions to ensure that hand crew work does not impact water quality or biological resources, including conditions which prohibit activities that erode soil, destabilize streambanks, increase surface water temperatures, disturb non-target vegetation, or concentrate surface runoff. Additional conditions to mitigate impacts to biological resources stipulate that prescribed burning is not permitted within Waterbody Buffer Zones. Category 2 criteria specify that equipment may not be used on saturated soils, and must be limited to existing roads (except for low-ground-pressure chippers and brush mowers), and that no new landings may be constructed. These criteria and conditions ensure that hand crew work will result in less than significant impacts to water quality and biological resources, including habitat.

Revised Timber Waiver Category 3 applies only to those activities conducted for post-fire rehabilitation, and covers activities to minimize threats to life, property, water quality, and natural and cultural resources. These activities are in direct response to a wildfire and wildfire suppression activities. Activities associated with erosion control and natural resource rehabilitation will decrease impacts to water quality and biological resources. General conditions of the waiver require that activities are conducted in compliance with the Basin Plan (its water quality standards and waste discharge prohibitions) to ensure impacts to aquatic biological resources are less than significant.

Revised Timber Waiver Category 4 applies only to activities relying on existing roads with limited winter-period operations and limited operations within waterbody buffer zones. Category 4 contains criteria and monitoring requirements to ensure impacts to biological resources are less than significant.

Criteria and conditions prohibit: (1) road or water crossing construction or repair beyond the existing prism except for over-snow skid trail watercourse crossings; (2) use of equipment with ground pressure exceeding 13 pounds per square inch (psi) within Waterbody Buffer Zones except on existing roads or over snow; (3) equipment operation on saturated soils; and (4) mechanical site preparation. The criteria also contain limits for equipment use on steep slopes, slides, unstable areas, or erodible soils, and limits on skid trail and landing construction, to avoid potential impacts to biological resources due to sediment delivery from these areas. Conditions to protect biological resources include those prohibiting activities that prevent fish passage, erode soil, destabilize streambanks, increase surface water temperatures, disturb non-target vegetation, or concentrate surface runoff, as well as conditions to ensure that any prescribed fire results in less than significant impacts to biological resources. All activities conducted under Category 4 must comply with applicable plans, including environmental documents, timber harvest plans, and the Basin Plan.

Criteria and conditions to protect biological resources during winter operations include those prohibiting: (1) the diversion or obstruction of water flow due to over-snow water crossings; (2) exposure of soils, damage to road surfaces, concentrated flows of runoff or storm water. All waterbodies, stream crossings, and culverts must be clearly marked for equipment operators to ensure sensitive areas are protected.

These criteria and conditions ensure that activities conducted under Category 4 will result in less than significant impacts to water quality and biological resources, including habitat.

Monitoring requirements will verify the implementation and adequacy of these conditions and eligibility criteria to ensure that impacts to biological resources are less than significant.

Revised Timber Waiver Category 5 applies only to CAL FIRE-approved timber harvest plans (THPs, NTMP, PTHP, and amendments). CAL FIRE reviews and approves Plans in accordance with the Forest Practice Act of 1973 (FPA) and the California Environmental Quality Act of 1970 (CEQA). CAL FIRE's Plan review process (described below) substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to Public Resources Code Section 21080.5.

The timber harvest review team is composed of representatives of CAL FIRE, the California Department of Fish and Game (DFG), California Geological Survey (CGS) and the Water Board. Other agencies may participate in the review team, including the California Department of Parks and Recreation, Tahoe Regional Planning Agency, USDI National Park Service, and county planning departments. CAL FIRE chairs the review team and makes the final decisions on the logging procedures included in the Plans. As set forth in the FPRs, California Code of Regulations, title 14, section 1037.5 et seq, the function of the review team is "to assist the [CDF]

Director in determining if plans [Plans] are in conformance with [BOF] rules and to evaluate the potential environmental impacts of timber operations.”

In reviewing individual Plans, CAL FIRE complies with the FPA, the FPRs, and CEQA through its certified functional equivalent program. Under the FPA, a Plan must be prepared and signed by a Registered Professional Forester (RPF) and submitted to CAL FIRE for review and approval for each timber harvest. CAL FIRE foresters examine each Plan and determine whether the plan may have a significant impact on the environment and whether it is in compliance with the FPA, CEQA, and other state and federal laws. Taken together, CEQA and the FPRs require that CAL FIRE not approve a plan as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen or avoid the significant environmental impacts of the plan, including those impacts to biological resources, pursuant to California Code of Regulations, title 14, section 896.

Water Board staff, as part of the review process, review individual plans for potential impacts to water quality and beneficial uses of waters of the State (including biological resources). Water Board staff prioritize plan review and inspection based on the proximity of proposed activities to waters of the State. When potential impacts are identified, Water Board staff makes recommendations to reduce those impacts to less than significant. For a plan to be eligible for coverage under the Timber Waiver Category 5, all such recommendations must be incorporated into the Plan or the Timber Waiver application.

Timber harvest and vegetation management activities that proceed under Category 5 must install and maintain all watercourse crossings to allow for unrestricted passage of fish during all life stages.

Revised Timber Waiver Category 6 applies to activities that do not meet one or more eligibility criteria or conditions of Categories 1 – 5.

Persons seeking coverage under Category 6 of the revised Timber Waiver must submit a complete Category 6 Application Form to Water Board staff. Within this form or in project plans or environmental documents, persons must disclose and discuss potential impacts and identify appropriate mitigation/protection measures for the following:

- (1) the location of:
  - a. proposed operations,
  - b. all roads, landings, and crossings to be used during the activities,
  - c. all waterbodies within the area, including wetlands, spring or wet areas,
  - d. all steep slopes, slides, unstable areas, or erodible soils
- (2) the purpose of the proposed activities and/or silvicultural prescription
- (3) the type of yarding systems and equipment proposed for use
- (4) any proposed landing or skid trail construction or reconstruction within Waterbody Buffer Zones
- (5) if any of the existing roads proposed for use exhibit signs of erosion and delivery to a waterbody

- (6) if there are any other signs of sediment erosion and delivery to waterbodies within or adjacent to the area of the proposed activity

Timber harvest and vegetation management activities that proceed under Category 6 must install and maintain all watercourse crossings to allow for unrestricted passage of fish during all life stages.

Upon receipt of the waiver application, Water Board staff has 30 days to review the proposal to determine application completeness. Application review will include an assessment (which may include an inspection of the area of the proposed activity) of the application to ensure all potential impacts are disclosed and that mitigation measures, design features or other measures are proposed to ensure impacts are avoided or mitigated to a level of less than significant. Water Board staff may request additional information including additional mitigation measures. The Waiver requires that approved plans, including all mitigation measures and design features be implemented. If impacts are not fully disclosed or mitigated to less than significant, Water Board staff will inform the applicant of ineligibility for coverage under the Timber Waiver, and will request a Report of Waste Discharge pursuant to Water Code section 13260. As stated in General Provision 3, the Water Board does not waive the filing of a report of waste discharge or waive waste discharge requirements for persons proposing or conducting timber harvest and vegetation management activities with impacts that are not mitigated to less than significant levels.

The proposed Timber Waiver does not alter or weaken requirements for project proponents to comply with existing regulations regarding any species identified as a candidate, sensitive, or special status species that currently apply under the 2007 Timber Waiver. Specifically, General Condition 8 states that the revised Timber Waiver "does not permit any illegal activity, and does not preclude the need for permits which may be required by other local or governmental agencies." Timber harvest activities are subject to environmental impact evaluation and mitigation by the established processes used in planning those activities by the State of California and the Federal government. The California Endangered Species Act also requires measures to minimize and fully mitigate the impacts on endangered species, as do other requirements of the California Department of Fish and Game (CDFG). For example, CDFG Code section 1603 generally prohibits persons from substantially diverting or obstructing the natural flow or substantially changing the bed, channel, or bank of any river, stream, or lake designated by CDFG, or from using any material from the streambeds, unless they have first notified CDFG of the activity. All rivers, streams, and lakes in California have been designated by CDFG, pursuant to California Code of Regulations, title 14, section 720. In addition, Section 1603 generally prohibits persons from commencing any activity affected by Section 1603 until CDFG has found that the activity will not substantially adversely affect an existing fish or wildlife resource, or until CDFG proposals, or the decisions of a panel of arbitrators assembled pursuant to procedures set forth in Section 1603, have been incorporated into the activity. CDFG enters into lake or streambed alteration agreements ("1603 Agreements") with those persons who notify CDFG of their proposed activities pursuant to Section 1603 in cases

where CDFG determines the activities may substantially adversely affect an existing fish or wildlife resource.

The Timber Waiver does not alter or weaken the requirements of Clean Water Act (CWA) section 404. Unless exempted, anyone, proposing to conduct activities which may result in a discharge to surface waters and require a federal permit (e.g., activities involving any discharge of dredged or fill material to waters of the United States, subject to U.S. Army Corps of Engineers permitting requirements under Clean Water Act section 404), must obtain from the Water Board a Clean Water Act section 401 Water Quality Certification.

A Clean Water Act section 401 Water Quality Certification is an order issued by the Water Quality Control Board determining that the proposed activity will not violate water quality standards and will protect the water for beneficial uses. At a minimum, any loss of wetlands must be replaced by a wetland of at least equal function, value and area. General Condition 8 of the proposed Timber Waiver stipulates that any activity authorized to proceed under the Timber Waiver must obtain such certification from the Water Board if required. These requirements ensure that impacts to wetlands will remain at less than significant levels if an activity is subject to regulation under a Clean Water Act section 404 permit.

For activities on federal lands, the USFS Pacific Southwest Region (USFS-PSR) has been designated as a Water Quality Management Agency (WQMA) by the State Water Board for Forest System lands in California. This designation, pursuant to Section 208 of the Clean Water Act, was executed through a formal Management Agency Agreement (MAA) between the State Water Board and the USFS-PSR in 1981. To meet its obligations as a WQMA, the USFS has developed a BMP guidance document to describe each BMP used for water quality management and watershed protection on National Forest System lands in California.

This guidance document, *Water Quality Management for Forest System Lands in California* (USFS-PSR, 2000) represents a portion of the State of California's Nonpoint Source Management Plan, and complies with the provisions and requirements of Sections 208 and 319 of the CWA. The goals of the BMP guidance document are to establish a uniform process of BMP implementation that will meet Federal and State water quality laws and will incorporate water quality protection and improvement into site-specific project plans. Twenty-five different BMPs are described for Timber Management, including BMPs to avoid, reduce or mitigate impacts to soils, vegetation, biological and hydrological resources. Examples of specific BMPs to avoid or minimize impacts to biological resources include, but are not limited to: designating Streamside Management Zones (Practice 1-8); Meadow Protection during Timber Harvest (Practice 1-18); and Streamcourse and Aquatic Protection (Practice 1-19). The USFS uses an Interdisciplinary Team approach to select those BMPs necessary to protect or improve water quality and biological resources for specific sites, and incorporates them into the environmental document for the project.

Therefore, any impacts to biological resources in the project area are mitigated by the criteria and conditions contained in the Timber Waiver, and by existing laws and regulations regarding protection of biological resources (equivalent to those that currently exist under the 2007 Timber Waiver). The appropriate finding is **less than significant with mitigation incorporation**.

e-f) The proposed Timber Waiver does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. As stated in General Condition 8, the revised Timber Waiver does not preclude the need for permits which may be required by other local or governmental agencies, nor does it allow any illegal activity. The requirements of any habitat conservation plan are not superseded by the Timber Waiver. Therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES</b> -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

a-d) The proposed Timber Waiver will not alter the need to comply with CEQA, NEPA, and other State and federal laws that require analysis, disclosure, and mitigation of potential impacts to cultural resources to less than significant levels.

The adoption and implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over cultural resources related to vegetation management. Therefore, any impacts to the cultural resources of the project area will not be changed over existing conditions by the adoption and implementation of the proposed Timber Waiver, and the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS</b> -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

a i-iii) The Timber Waiver does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known

earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. Because the project does not involve these factors, the appropriate finding is **no impact**.

a iv) The Timber Waiver does not change the exposure of people or structures to potential substantial adverse effects involving landslides due to timber harvest and vegetation management activities over current conditions. The proposed Timber Waiver contains criteria and conditions related to activities on steep slopes, slides, and unstable areas similar to those specified in the 2007 Timber Waiver. Because no change in the risk of landslide due to timber harvest and vegetation management activities is foreseeable, the appropriate finding is **no impact**.

b-c) The proposed Timber Waiver contains both general conditions and category-specific conditions and criteria to ensure that activities that proceed under the waiver will have less than significant impacts to soil and geological resources, including mitigation measures to prevent substantial soil erosion, loss of topsoil or risks due to unstable soils.

General Conditions 1, 2, 3 and 6 require compliance with the Basin Plan, and prohibit the creation of a pollution, contamination, or nuisance, as defined by the California Water Code section 13050. Compliance with the Basin Plan means that water quality objectives and waste discharge prohibitions must not be violated by activities that proceed under the revised Timber Waiver. Region-wide waste discharge prohibitions relevant to soil erosion include those that prohibit discharges of waste (including but not limited to waste earthen material such as soil, silt, sand, clay, rock, or other organic material) which violate any numeric or narrative water quality objective, including the Nondegradation Objective. Region-wide water quality objectives (either narrative or numeric) establish standards for constituents that may result from erosion due to timber harvest and vegetation management activities such as sediment, settleable and suspended materials, nondegradation of aquatic communities and populations, and pesticides. Because the proposed Timber Waiver prohibits violations of these objectives, any impacts from soil erosion due to activities that proceed under the waiver will be less than significant.

The categorical treatment of timber harvest activities further ensures that impacts from soil erosion will be less than significant. Activities eligible for the proposed categories vary in scope from those conducted around existing structures to comply with defensible space mandates (Category 1, very low or no threat to water quality, including degradation due to soil erosion), to commercial timber harvest activities on sensitive lands (Category 5, potentially significant threat to water quality, including degradation due to soil erosion). Category-specific criteria and conditions, including mitigation and monitoring requirements, are scaled to the potential threat to water quality posed by the eligible activities.

Revised Timber Waiver Category 1 covers only activities:

- conducted near structures, or areas zoned as residential, commercial, or industrial
- removal of trees posing an imminent threat to life or property
- conducted under a Forest Fire Prevention Exemption or Dead, Dying, Diseased Exemption issued by the California Department of Forestry and Fire Protection (CAL FIRE) pursuant to California Code of Regulations (CCR), title 14, section 1038, subdivisions (b) and (i) with no exceptions to condition nos. 6 and 9, prohibiting equipment operations within waterbody buffer zones except on existing roads.

Activities conducted under a Forest Fire Prevention Exemption or the Dead, Dying, Diseased Exemption are subject (but not limited) to:

- CCR, title 14, section 1038, subdivision (b)(1), which prohibits tractor or heavy equipment operations on slopes greater than 50%.
- CCR, title 14, section 1038, subdivision (b)(2), which prohibits the construction of new skid trails on slopes greater than 40%.
- CCR, title 14, section 1038, subdivision (b)(4), which prohibits tractor or heavy equipment operations on known slides or unstable areas.

Category 1 contains additional conditions to ensure soils resources and unstable areas are protected, including conditions requiring the stabilization and minimization of areas disturbed by timber harvest and vegetation management activities. The criteria and conditions of Category 1 limit eligible activities such that their impacts will be less than significant.

Revised Timber Waiver Category 2 covers only those activities that are conducted by hand crews and low impact (ground pressure less than 10 pounds per square inch) equipment to assist hand crews in processing materials cut by hand crews such as chippers and brush mowers. Category 2 contains criteria and conditions to ensure that hand crew work does not impact soil resources, including conditions prohibiting activities that would erode soil, destabilize streambanks, disturb non-target vegetation, or concentrate surface runoff. Additional conditions related to prescribed fire are included to protect soil resources. These conditions specify that prescribed fire may occur under conditions limiting the impact based on area impacted by fire, size of piles, and proximity to watercourses. Criteria and conditions to avoid impacts to soils (such as compaction) specify that equipment may not be used on saturated soils, and must be limited to existing roads (except for low-ground-pressure chippers and mowers on dry soils), and that no new landings may be constructed. If chippers are used off-road, they must be low impact (ground pressure of less than 10 pounds per square inch) equipment to protect soil resources. These criteria and conditions ensure that hand crew work will be self-limiting and will result in less than significant impacts to soil resources, including from erosion, instability, or loss of topsoil (Lake Valley Fire District, 2008).

Revised Timber Waiver Category 3 applies only to those activities conducted for post-fire rehabilitation, and covers activities to minimize threats to life, property, water

quality, and natural and cultural resources. These activities are in direct response to a wildfire and wildfire suppression activities. Activities associated with erosion control and natural resource rehabilitation will decrease impacts to soil resources and unstable areas, resulting in less than significant impacts.

Revised Timber Waiver Category 4 applies only to activities that use existing roads, restrictions on off road equipment operations and limited winter-period operations. Category 4 contains criteria to ensure impacts to soil resources are less than significant, including those prohibiting: (1) road or water crossing construction or repair beyond the existing road prism except for over-snow watercourse crossings; (2) equipment operation on saturated soils; and (3) mechanical site preparation. Use of low ground pressure equipment (less than 13 pounds per square inch) is only allowed within Waterbody Buffer Zones on dry soils, hard frozen ground or over snow to ensure impacts are less than significant to soils and water resources (USFS-LTBMU 2008a, 2008b;USFS Tahoe NF, 2009). The criteria also contain the following restrictions to limit impacts to soil resources:

- No timber harvest or vegetation management activities on slopes greater than 60%.
- No tractor, vehicle, or equipment operations on slopes greater than 50%.
- No construction of new skid trails on slopes greater than 40%.
- No construction of landings on slopes greater than 20%.
- No tractor, vehicle, or equipment operations on known slides or unstable areas.
- No tractor, vehicle, or equipment operations on soils with high or extreme erosion hazard rating.

Conditions to protect soil resources during winter operations include those prohibiting: (1) the diversion or obstruction of water flow due to over-snow water crossings; (2) soil compaction, erosion, destabilization of streambanks, temperature increases, disturbance to non-target riparian vegetation, or creation of concentrated surface runoff; (3) exposure of soils, damage to road surfaces, concentrated flows of runoff or storm water. All waterbodies, stream crossings, and culverts must be clearly marked for equipment operators to ensure these sensitive areas are avoided.

Category-specific conditions to protect soils resources include those prohibiting activities which would erode soil , destabilize streambanks, increase surface water temperatures, disturb non-target riparian vegetation, or concentrate surface runoff, as well as conditions to ensure that any prescribed burning results in less than significant impacts to soils resources. All activities conducted under Category 4 must comply with applicable plans, including environmental documents, timber harvest plans, and the Basin Plan. For activities on federal lands, please refer to the Category 6 discussion in this section regarding the USFS's role as a Water Quality Management Agency. These criteria and conditions ensure that activities conducted under Category 4 will result in less than significant impacts to soil resources.

Monitoring requirements will verify the implementation and adequacy of these conditions and eligibility criteria to ensure that impacts to soils resources are less than significant.

Revised Timber Waiver Category 5 applies only to CAL FIRE-approved timber harvest plans (THPs, NTMP, PTHP, and amendments). CAL FIRE reviews and approves Plans in accordance with the Forest Practice Act of 1973 (FPA) and the California Environmental Quality Act of 1970 (CEQA). CAL FIRE's Plan review process (described below) substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5.

The timber harvest review team is composed of representatives of CAL FIRE, the California Department of Fish and Game (DFG), California Geological Survey (CGS) and the Water Board. Other agencies may participate in the review team, including the California Department of Parks and Recreation, Tahoe Regional Planning Agency, USDI National Park Service, and county planning departments. CAL FIRE chairs the review team and makes the final decisions on the logging procedures included in the Plans. As set forth in the FPRs (CCR, title 14, section 1037.5), the function of the review team is “to assist the [CDF] Director in determining if plans [Plans] are in conformance with [BOF] rules and to evaluate the potential environmental impacts of timber operations.”

In reviewing individual Plans, CAL FIRE complies with the FPA, the FPRs, and CEQA through its certified functional equivalent program. Under the FPA, a Plan must be prepared and signed by a Registered Professional Forester (RPF) and submitted to CAL FIRE for review and approval for each timber harvest. CAL FIRE foresters examine each Plan and determine whether the plan may have a significant impact on the environment and whether it is in compliance with the FPA, CEQA, and other state and federal laws. Taken together, CEQA and the FPRs require that CAL FIRE not approve a plan as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen or avoid the significant environmental impacts of the plan, including those impacts to soil and geological resources, pursuant to CCR, title 14, section 896.

Water Board staff, as part of the review process, review individual plans for potential impacts to water quality that may result from soil erosion or destabilization. When potential impacts are identified, Water Board staff makes recommendations to reduce those impacts to less than significant. For a plan to be eligible for coverage under the revised Timber Waiver all such recommendations must be incorporated into the Plan or the Timber Waiver application.

Revised Timber Waiver Category 6 applies to timber harvest and vegetation management activities that do not meet one or more eligibility criteria or conditions of Categories 1 – 5.

Persons seeking coverage under Category 6 of the revised Timber Waiver must submit a complete Category 6 Application Form to Water Board staff. Within this

form or in project plans or environmental documents, persons must disclose and discuss potential impacts and identify appropriate mitigation measures for the following:

- (1) the location of:
  - a. proposed operations,
  - b. all roads, landings, and crossings to be used during the proposed activities,
  - c. all waterbodies within the area,
  - d. all steep slopes, slides, unstable areas, or erodible soils
- (2) the purpose of the proposed activities and/or silvicultural prescription
- (3) the type of yarding systems and equipment proposed for use
- (4) any proposed landing or skid trail construction or reconstruction on slopes over 40%, or within Waterbody Buffer Zones,
- (5) if any of the existing roads proposed for use exhibit signs of erosion and delivery to a waterbody
- (6) if there are any other signs of sediment erosion and delivery to waterbodies within or adjacent to the area of the proposed activity

Attachment N of the proposed Timber Waiver identifies activities which may proceed under the Basin Plan and do not violate Basin Plan prohibitions for Lake Tahoe, Truckee River or Little Truckee River HUs. Cut-to-length equipment (with less than 13 psi ground pressure) operated on dry soils over slash mats have less than significant impacts on soil resources (USFS-LTBMU, 2008a, 2008b; Han, 2006). For equipment operations (other than 13 psi cut-to-length equipment on dry granitic soils) within 100 year floodplains of the Truckee River, Little Truckee River or Lake Tahoe HUs, or Lake Tahoe HU SEZs, the Water Board Executive Officer will consider granting Basin Plan prohibition exemptions where Basin Plan criteria can be met to either mitigate impacts to less than significant or prevent impacts from occurring by setting project thresholds or triggers to discontinue operations if impacts do not remain at less than significant levels. Poff (2006) recognizes short term impacts including soil compaction from equipment use in SEZs and recommends a number of mitigation measures to avoid the impacts. Each activity is unique and will employ different equipment and techniques. As part of considering a prohibition exemption, the Water Board Executive Officer will evaluate individual project proposals on ability to limit these impacts to a level of less than significant.

Applicants proposing prescribed fire within Waterbody Buffer Zones are required to protect soil resources and water quality by preventing erosion and transport of material to waterbodies. Specific conditions of Category 6 pertaining to the prevention of erosion and transport include the requirement that effective waterbreaks must be constructed along firebreaks, pile size be limited, areas to be burned be limited, and incorporation of other design features that consider slope, proximity to waterbodies, and remaining vegetative cover.

Applicants proposing to place or burn slash piles within Waterbody Buffer Zones must submit the following information regarding areas proposed for burn pile placement:

- (1) soil types
- (2) vegetative cover
- (3) minimum distances from waterbodies
- (4) topography
- (5) percent of area to be burned within the Waterbody Buffer Zone
- (6) explanation why burning piles within the Waterbody Buffer Zone is proposed
- (7) mitigation measures or project features to be implemented to ensure no significant environmental effects will occur (Attachment Q provide example design features to be incorporated into specific burn plans)

Upon receipt of the waiver application, Water Board staff has 30 days to review the proposal to determine application completeness. Application review will include an assessment (which may include an inspection of the area of the proposed activity) of the application to ensure all potential impacts are disclosed and that measures are included to avoid or mitigate potential impacts to less than significant, such as use of mulch or chips, tilling, buffer zones. Water Board staff may request additional information including additional mitigation measures. If impacts are not fully disclosed or mitigated to less than significant, Water Board staff will inform the applicant of ineligibility for coverage under the Timber Waiver, and will request a Report of Waste Discharge pursuant to Water Code section 13260. As stated in General Provision 3, the Water Board does not waive the filing of a report of waste discharge or waive waste discharge requirements for persons proposing or conducting timber harvest and vegetation management activities with impacts that are not mitigated to less than significant levels.

The revised Timber Waiver does not alter or weaken the requirement for project proponents to comply with existing regulations regarding soils resources. Specifically, General Condition 6 states that the revised Timber Waiver "does not permit any illegal activity, and does not preclude the need for permits which may be required by other local or governmental agencies."

The adoption and implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over soils resources related to vegetation management (e.g., requirements for erosion control or grading ordinances by state, local or federal agencies, or county air districts).

For activities on federal lands, the USFS Pacific Southwest Region (USFS-PSR) has been designated as a Water Quality Management Agency (WQMA) by the State Water Board for Forest System lands in California. This designation, pursuant to Section 208 of the Clean Water Act, was executed through a formal Management Agency Agreement (MAA) between the State Water Board and the USFS-PSR in 1981. To meet its obligations as a WQMA, the USFS has developed a BMP guidance document

to describe each BMP used for water quality management and watershed protection on National Forest System lands in California.

This guidance document, *Water Quality Management for Forest System Lands in California* (USFS-PSR, 2000) represents a portion of the State of California's Nonpoint Source Management Plan, and complies with the provisions and requirements of Sections 208 and 319 of the CWA. The goals of the BMP guidance document are to establish a uniform process of BMP implementation that will meet Federal and State water quality laws and will incorporate water quality protection and improvement into site-specific project plans. Twenty-five different BMPs are described for Timber Management, including BMPs to avoid, reduce or mitigate impacts to soils, vegetation, biological and hydrological resources. Examples of specific BMPs to avoid or minimize impacts to soils resources include, but are not limited to: Determination of Surface Erosion Hazard (Practice 1-3); Protection of Unstable Lands (Practice 1-6); Determining Tractor Loggable Ground and Tractor Skidding Design (Practices 1-9 and 1-10); and Erosion Prevention and Control Measures during Timber Sale Operations (Practice 1-13). The USFS uses an Interdisciplinary Team (IDT) approach to select those BMPs necessary to protect or improve water quality and soils resources for specific sites, and incorporates them into the environmental document for the project.

Therefore, any impacts to geology and soils in the project area are mitigated by the criteria and conditions contained in the revised Timber Waiver, and by regulations and policies governing soil erosion that currently exist under the 2007 Timber Waiver. The appropriate finding is **less than significant with mitigation incorporation**.

- d) The proposed project does not involve activities such as building construction that are subject to the Uniform Building Code. Because the project does not involve this element, the appropriate finding is **no impact**.
- e) The proposed project does not involve septic tanks or alternative wastewater disposal systems. Because the project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

a-b) Activities under the Timber Waiver can involve the transport and use of materials that would qualify as hazardous pursuant to the Health and Safety Code section 25501 subdivision (o). These materials include gasoline and diesel to fuel equipment,

hydraulic fluid associated with equipment operations and machinery, and silvicultural herbicides.

The proposed Timber Waiver will not alter or weaken the need to comply with existing regulations regarding hazardous. The proposed Timber Waiver contains General Condition 7 which requires that all equipment used “be monitored for leaks, and removed from service if necessary to protect water quality.” General Condition 7 also requires an emergency spill kit be kept on site at all times of equipment use.

Silvicultural herbicides permitted under this revised Timber Waiver include the dry application of borax and sporax directly to tree stumps. The amounts needed to treat tree stumps are nominal, have limited mobility in the environment, and will not cause a significant hazard to the public or the environment.

As required under the 2007 Timber Waiver other applications of herbicides will not be permitted under the proposed Timber Waiver unless the type(s) of herbicide, method and area of application, and measures to assure compliance with the Basin Plan water quality objective (requires non-detectable levels in surface waters) are submitted to Water Board staff at least 30 days prior to the proposed date of application.

The proposed Timber Waiver does not alter or weaken the need to comply with existing regulations regarding hazardous materials. Additionally, General Condition 6 states that activities covered under the waiver “must not create a pollution, contamination, or nuisance, as defined by Water Code section 13050, subdivisions (k), (l), and (m).” Therefore, the appropriate finding is **no impact**.

c) The proposed project would not result in the emission or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, the appropriate finding is **no impact**.

d) The proposed project does not alter or weaken any requirements to identify risks due to hazardous materials sites pursuant to Government Code Section 65962.5. Therefore, the appropriate finding is **no impact**.

e-f) The proposed project would not result in a change over current conditions related to activities near an airport or airstrip that would result in a safety hazard. Therefore, the appropriate finding is **no impact**.

g) The proposed project would not interfere with an emergency evacuation or response plan; therefore, the appropriate finding is **no impact**.

h) The intent of the proposed Timber Waiver is to facilitate fuels reduction activities, and these activities should result in a decreased risk of exposure to wildland fires. The appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY</b> -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		X		
j) Inundation by seiche, tsunami, or mudflow?		X		

a, c, d, e, f, i, j ) The proposed Timber Waiver contains both general conditions and category-specific conditions and criteria to ensure activities that proceed under the waiver will have less than significant impacts to hydrology and water quality, including to drainage patterns, excessive and/or polluted runoff, on- or off-site erosion or flooding. The Timber Waiver also prohibits the violation of any Basin Plan water quality standards.

General Conditions 1, 2 and 6 require compliance with the Basin Plan, and prohibit the creation of a pollution, contamination, or nuisance, as defined by the California Water Code section 13050. Compliance with Basin Plan means that water quality objectives and waste discharge prohibitions must not be violated by activities that proceed under the Timber Waiver. Region-wide waste discharge prohibitions to protect water quality include those that prohibit discharges of waste (including, but not limited to, waste earthen material such as soil, silt, sand, clay, rock, or other organic material) which violate any numeric or narrative water quality objective, including the Nondegradation Objective. Region-wide water quality objectives (either narrative or numeric) establish standards for constituents that may result from timber harvest and vegetation management activities such as sediment, settleable and suspended materials, nondegradation of aquatic communities and populations, and pesticides.

The categorical treatment of timber harvest activities further ensures that water quality and hydrology will not be significantly impacted. Activities eligible for the proposed categories vary in scope from those conducted around existing structures to comply with defensible space mandates (Category 1, very low or no threat to water quality), to commercial timber harvest activities on sensitive lands (Category 5, potentially significant threat to water quality requiring mitigation and monitoring). Category-specific criteria and conditions, including mitigation and monitoring, are scaled to the potential threat to water quality posed by the eligible activities.

Revised Timber Waiver Category 1 covers only activities:

- conducted near structures, or areas zoned as residential, commercial, or industrial
- removal of trees posing an imminent threat to life or property
- conducted under a Forest Fire Prevention Exemption or Dead, Dying, Diseased Exemption issued by the California Department of Forestry and Fire Protection (CAL FIRE) pursuant to California Code of Regulations (CCR), title 14, section 1038, subdivisions (b) and (i) with no exceptions to condition nos. 6 and 9, prohibiting equipment operations within waterbody buffer zones except on existing roads.

Activities conducted under a Forest Fire Prevention or Dead, Dying, Diseased Exemptions are subject to:

- CCR, title 14, section 1038, subdivision (b)(5), which prohibits new road construction or reconstruction.
- CCR, title 14, section 1038, subdivision (b)(6), which prohibits heavy equipment operations near waterbodies, except for the maintenance of roads and drainage facilities or structures.
- CCR, title 14, section 1038, subdivision (b)(9), which prohibits timber harvesting near waterbodies (except for limited sanitation-salvage harvesting), and requires that all trees to be harvested near waterbodies be marked by, or under the supervision of, a Registered Professional Forester prior to operations.

Category 1 contains additional conditions to ensure water quality is protected, including a condition that prohibits crossing waterbodies (including ephemeral streams) with equipment. To prevent the delivery of sediment to waters of the State, other conditions of Category 1 require the stabilization and minimization of areas disturbed by timber harvest and vegetation management activities. The criteria and conditions of Category 1 limit eligible activities such that their impacts will be less than significant.

Revised Timber Waiver Category 2 covers only those activities that are conducted by hand crews and low-ground-pressure chippers and brush mowers. Category 2 contains criteria and conditions to ensure that hand crew work does not impact water quality and hydrology, including conditions prohibiting activities that would erode soil, destabilize streambanks, increase surface water temperatures, disturb non-target riparian vegetation, or concentrate surface runoff. Any trees planned for removal within a Waterbody Buffer Zone must be marked or supervised by a Registered Professional Forester or federal forestry professional or be described in a written prescription. Additional conditions related to prescribed fire are included to protect water quality. These conditions limit prescribed fire within Waterbody Buffer Zones (e.g. pile size, proximity to watercourses, areal extent of piles). No pile burning within Lake Tahoe HU SEZs or within 100 year floodplains of the Truckee River or Little Truckee River HUs is allowed under this category (USFS-LTBMU 2008c).

Criteria to avoid impacts to water quality specify that equipment may not be used on saturated soils, and must be limited to existing roads (except for low-ground-pressure chippers and mowers), and that no new landings may be constructed. If chippers are used off-road, they must be "low-ground-pressure" equipment, with less than 10 pounds per square inch of ground pressure to protect soil resources, and any impacts to water quality due to soil compaction and excessive erosion (Lake Valley Fire Protection District, 2006). These criteria and conditions ensure that hand crew work will result in less than significant impacts to water quality and hydrology.

Revised Timber Waiver Category 3 applies only to those activities conducted for post-fire rehabilitation, and covers activities to minimize threats to life, property, water quality, and natural and cultural resources. These activities are in direct response to a wildfire and wildfire suppression activities. Activities associated with erosion control and natural resource rehabilitation will decrease impacts to water quality and hydrology, resulting in less than significant impacts. General conditions of the waiver require that activities are conducted in compliance with the Basin Plan (its water quality standards and waste discharge prohibitions) to ensure impacts to water quality are less than significant.

Revised Timber Waiver Category 4 applies only to activities that are limited to existing roads, limited operations within waterbody buffer zones and limited winter-period operations.

Category 4 contains criteria to ensure impacts to water quality and hydrology are less than significant, including those prohibiting: (1) road or water crossing construction or repair beyond the existing road prism except for over-snow watercourse crossings, (2) equipment operation on saturated soils, and (3) mechanical site preparation. Use of low ground pressure equipment (less than 13 pounds per square inch) is only allowed within Waterbody Buffer Zones on dry soils, hard frozen ground, or over snow to ensure impacts are less than significant to soils and water resources. In Lake Tahoe SEZs and 100 year floodplains in Truckee River or Little Truckee River HUs, only cut-to-length equipment on slash mats on dry granitic soils can be used under this category (USFS-LTBMU, 2008a, 2008b). Since the USFS Heavenly Valley Creek SEZ Demonstration Project found that less than significant impacts occurred to soils in the project (granitic soils, and one type of equipment tested), similar projects may proceed under Category 4 with implementation monitoring and verification of dry soil conditions. For other types of equipment or soil types, additional monitoring is needed and the Executive Officer will consider a Basin Plan prohibition exemption to allow other activities to occur in Truckee/Tahoe floodplains and Tahoe SEZs (See Category 6 discussion). Category 4 eligibility criteria also contain the following restrictions to reduce erosion and sediment transport to water bodies:

- No timber harvest or vegetation management activities on slopes greater than 60%.
- No tractor, vehicle, or equipment operations on slopes greater than 50%.

- No construction of new skid trails on slopes greater than 40%.
- No construction of landings on slopes greater than 20%.
- No tractor, vehicle, or equipment operations on known slides or unstable areas.
- No tractor, vehicle, or equipment operations on soils with high or extreme erosion hazard rating.

Conditions to protect water quality during winter operations include those prohibiting: (1) the diversion or obstruction of water flow due to over-snow water crossings; (2) exposure of soils, damage to road surfaces, concentrated flows of runoff or storm water. All waterbodies, stream crossings, and culverts must be clearly marked for equipment operators to ensure these sensitive areas are avoided.

Monitoring requirements will verify the implementation and adequacy of these conditions and eligibility criteria to ensure that impacts to water quality and hydrology are less than significant.

Category-specific conditions to protect water quality include those prohibiting activities which erode soil, destabilize streambanks, increase surface water temperatures, disturb non-target riparian vegetation, or concentrate surface runoff, as well as conditions to ensure that any prescribed burning results in less than significant impacts to soils resources. All activities conducted under Category 4 must comply with applicable plans, including environmental documents, timber harvest plans, and the Basin Plan. For activities on federal lands, please refer to the Category 6 discussion in this section regarding the USFS's role as a Water Quality Management Agency. Taken together, these criteria and conditions ensure that activities conducted under Category 4 will result in less than significant impacts to water quality and hydrology.

Revised Timber Waiver Category 5 applies only to CAL FIRE-approved timber harvest plans (THPs, NTMP, PTHP, and amendments). CAL FIRE reviews and approves Plans in accordance with the Forest Practice Act of 1973 (FPA) and the California Environmental Quality Act of 1970 (CEQA). CAL FIRE's Plan review process (described below) substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5.

The timber harvest review team is composed of representatives of CAL FIRE, the California Department of Fish and Game (DFG), California Geological Survey (CGS) and the Water Board. Other agencies may participate in the review team, including the California Department of Parks and Recreation, Tahoe Regional Planning Agency, USDI National Park Service, and county planning departments. CAL FIRE chairs the review team and makes the final decisions on the logging procedures included in the Plans. As set forth in the FPRs (CCR title 14, section 1037.5), the function of the review team is “to assist the [CDF] Director in determining if plans [Plans] are in conformance with [BOF] rules and to evaluate the potential environmental impacts of timber operations.”

In reviewing individual Plans, CAL FIRE complies with the FPA, the FPRs, and CEQA through its certified functional equivalent program. Under the FPA, a Plan must be prepared and signed by a Registered Professional Forester (RPF) and submitted to CAL FIRE for review and approval for each timber harvest. CAL FIRE foresters examine each Plan and determine whether the plan may have a significant impact on the environment and whether it is in compliance with the FPA, CEQA, and other state and federal laws. Taken together, CEQA and the FPRs require that CAL FIRE not approve a plan as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen or avoid the significant environmental impacts of the plan, including those impacts to water quality and hydrology, pursuant to California Code of Regulations, title 14, section 896.

Water Board staff, as part of the review process, review individual plans for potential impacts to water quality and hydrology. When potential impacts are identified, Water Board staff makes recommendations to reduce those impacts to less than significant. For a plan to be eligible for coverage under the revised Timber Waiver all such recommendations must be incorporated into the Plan or the Timber Waiver application.

Revised Timber Waiver Category 6 applies to timber harvest and vegetation management activities that do not meet one or more eligibility criteria or conditions of Categories 1 – 5.

Persons seeking coverage under Category 6 of the revised Timber Waiver must submit a complete Category 6 Application Form to Water Board staff. Within this form persons must disclose and discuss potential impacts and appropriate mitigation/protection measures for the following:

- (1) the location of:
  - a. proposed operations,
  - b. all roads, landings, and crossings to be used during the proposed activities,
  - c. all waterbodies within the area,
  - d. all marshes, meadows, spring, and other wet areas within the area, and
  - e. all steep slopes, slides, unstable areas, or erodible soils
- (2) the purpose of the proposed activities and/or silvicultural prescription
- (3) the type of yarding systems and equipment proposed for use
- (4) any proposed landing or skid trail construction or reconstruction within Waterbody Buffer Zones
- (5) if any of the existing roads proposed for use exhibit signs of erosion and delivery to a waterbody
- (6) if there are any other signs of sediment erosion and delivery to waterbodies within or adjacent to the area of the proposed activity

Attachment N of the proposed Timber Waiver identifies activities which may proceed under the Basin Plan and do not violate Basin Plan prohibitions for Lake Tahoe, Truckee River or Little Truckee River HUs. Cut-to-length equipment (with less than 13

psi ground pressure) operated on dry soils over slash mats have less than significant impacts on soil resources (USFS-LTBMU, 2008a, 2008b; Han, 2006). For equipment operations (other than 13 psi cut-to-length equipment on dry granitic soils) within 100 year floodplains of the Truckee River, Little Truckee River or Lake Tahoe HUs, or Lake Tahoe HU SEZs, the Water Board Executive Officer will consider granting Basin Plan prohibition exemptions where Basin Plan criteria can be met to either mitigate impacts to less than significant or prevent impacts from occurring by setting project thresholds or triggers to discontinue operations if impacts do not remain at less than significant levels. Poff (2006) recommends pilot studies, monitoring and evaluation until impacts are better understood from equipment operations within SEZs and Waterbody Buffer Zones.

Applicants proposing to prescribe burn within Waterbody Buffer Zones are required to (1) construct effective waterbreaks along firebreaks, and (2) leave the area in a condition such that ash, soils, and/or debris will not discharge to a waterbody. These conditions and additional restrictions will prevent significant impact to water quality and the drainage patterns of areas disturbed by the burning activities. In the Tahoe and Truckee HUs, the Water Board Executive Officer will consider granting exemptions to Basin Plan prohibitions against discharge of waste and/or permanent disturbance (See Attachment N).

Applicants proposing to place or burn slash piles within Waterbody Buffer Zones must submit the following information regarding areas proposed for burn pile placement:

- (1) soil types
- (2) vegetative cover
- (3) minimum distances from waterbodies
- (4) topography
- (5) percent of area to be burned within the Waterbody Buffer Zone
- (6) explanation why burning piles within the Waterbody Buffer Zone is proposed
- (7) mitigation measures or project features to be implemented to ensure no significant environmental effects will occur (Attachment Q provide example design features to be incorporated into specific burn plans)

Upon receipt of the waiver application, Water Board staff has 30 days to review the proposal to determine application completeness. Application review will include an assessment (which may include an inspection of the area of the proposed activity) of the application to ensure all potential impacts are disclosed and that measures are included to avoid or mitigate potential impacts to less than significant, such as use of mulch or chips, tilling, buffer zones. Water Board staff may request additional information including additional mitigation measures. If impacts are not fully disclosed and mitigated to less than significant levels, Water Board staff will inform the applicant of ineligibility for coverage under the Timber Waiver, and will request a Report of Waste Discharge pursuant to Water Code section 13260. As stated in General Provision 3, the Water Board does not waive the filing of report of waste discharge or waive waste discharge requirements for persons proposing or conducting timber harvest and vegetation management activities with impacts that are not mitigated to less than significant levels.

The Timber Waiver does not alter or weaken the requirement for project proponents to comply with existing regulations regarding water quality that currently apply under the 2007 Timber Waiver. Specifically, General Condition 8 states that the revised Timber Waiver "does not permit any illegal activity, and does not preclude the need for permits which may be required by other local or governmental agencies."

For activities on federal lands, the USFS Pacific Southwest Region (USFS-PSR) has been designated as a Water Quality Management Agency (WQMA) by the State Water Board for Forest System lands in California. This designation, pursuant to Section 208 of the Clean Water Act, was executed through a formal Management Agency Agreement (MAA) between the State Water Board and the USFS-PSR in 1981. To meet its obligations as a WQMA, the USFS has developed a BMP guidance document to describe each BMP used for water quality management and watershed protection on National Forest System lands in California.

This guidance document, *Water Quality Management for Forest System Lands in California* (USFS-PSR, 2000) represents a portion of the State of California's Nonpoint Source Management Plan, and complies with the provisions and requirements of Sections 208 and 319 of the CWA. The goals of the BMP guidance document are to establish a uniform process of BMP implementation that will meet Federal and State water quality laws and will incorporate water quality protection and improvement into site-specific project plans. Twenty-five different BMPs are described for Timber Management, including BMPs to avoid, reduce or mitigate impacts to hydrological resources and water quality. The USFS uses an Interdisciplinary Team approach to select those BMPs necessary to protect or improve water quality for specific sites, and incorporates them into the environmental document for the project.

Conditions that apply to all revised Timber Waiver categories prohibit adverse impacts to water quality resulting from discharges associated with timber harvest activities. The Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions. The Water Board or its Executive Officer may terminate eligibility for coverage under the Timber Waiver at any time for a particular activity if the eligibility criteria are not met or the conditions not followed. The Water Board or its Executive Officer may also take enforcement actions in accordance with the California Water Code to ensure actions are taken to prevent or correct water quality impacts. Therefore, the appropriate finding is **less than significant with mitigation incorporation.**

b) The Timber Waiver does not involve activities that could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The appropriate finding is **less than significant impact.**

g, h) The Timber Waiver does not involve placing housing or structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Because the project does not involve this element, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING</b> - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

a-b) The proposed Timber Waiver does not divide an established community or involve land use planning or policy. Because the project does not involve these elements, the appropriate finding is **no impact**.

c) The proposed Timber Waiver does not change the regulatory requirements, statutory authorities, or enforcement abilities of the Water Board, nor does it alter or weaken the requirements of any applicable conservation plan that may apply to vegetation management activities. Therefore, existing conditions related to habitat or natural community conservation plans will not be changed by the proposed Timber Waiver, and the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>X. MINERAL RESOURCES</b> -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

a-b) The proposed Timber Waiver does not involve mineral resources; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. NOISE:</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

a-f) The proposed Timber Waiver does not change the exposure of people to potential adverse effects involving noise due to vegetation management activities over current conditions. Noise levels due to vegetation removal activities in the project area will remain the same whether or not the Timber Waiver is adopted and implemented. Changes proposed in the Timber Waiver do not impact noise levels from timber harvest and vegetation management activities. Because no change is foreseeable, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING --</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

a-c) The proposed Timber Waiver does not involve construction of new homes, businesses, or infrastructure. The project would also not displace people or existing housing. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

a) The proposed Timber Waiver does not involve new or physically altered government facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIV. RECREATION --</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

a-b) The proposed Timber Waiver does not involve increasing the use of recreational facilities, or require construction or expansion of recreational facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC --</b> Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

a-b) The proposed Timber Waiver would not cause an increase in traffic or exceed a level of service due to vegetation management activities over current conditions. Traffic levels related to vegetation management activities in the project area will remain the same whether or not the proposed Timber Waiver is adopted and implemented. Because no change is foreseeable, the appropriate finding is **no impact**.

c) The proposed Timber Waiver does not involve air traffic. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

d) The proposed Timber Waiver does not involve installation of hazardous design features. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

e-f) The proposed Timber Waiver does not affect emergency access or parking capacity; therefore, the appropriate finding is **no impact**.

g) The proposed Timber Waiver does not involve alternative transportation. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

a-c) The proposed Timber Waiver does not involve the expansion or construction of wastewater or storm water treatment facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

d) The proposed Timber Waiver does not change the need for water supplies due to vegetation management activities over current conditions. The need for water supplies

to serve vegetation removal activities (e.g., for dust abatement) in the project area will remain the same whether or not the revised Timber Waiver is adopted and implemented. Because no change is foreseeable, the appropriate finding is **no impact**.

e) The proposed Timber Waiver does not require service by wastewater treatment facilities. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

f) The proposed Timber Waiver does not affect solid waste generation or landfill capacities over current conditions. Because no change is foreseeable, the appropriate finding is **no impact**.

g) The proposed Timber Waiver will not involve solid waste and is not subject to federal, state, and local statutes and regulations related to solid waste, therefore the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

a) Timber harvest and vegetation management activities have the potential to degrade the quality of the environment; however, conditions and criteria that apply to all Timber Waiver categories mitigate significant adverse impacts from discharges of wastes associated with timber harvest activities to less than significant levels (see Biological Resources, Geology and Soils, and Hydrology and Water Quality sections). The revised Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions.

General Provision 3 of the Timber Waiver states that the waiver of filing of a report of waste discharge and waiver of waste discharge requirements for persons proposing or conducting timber harvest and vegetation management activities with impacts that are not mitigated to less than significant levels is not granted. Therefore activities that involve potentially significant impacts that are not mitigated to less than significant levels are ineligible for coverage under the revised Timber Waiver and are not to be considered part of this project.

The Water Board determines that timber harvest activities conducted in compliance with the six categories of the Timber Waiver will not adversely affect the quality or the beneficial uses of the waters of the State, and will be in the public interest pursuant to California Water Code (Water Code) section 13269. In addition to the environmental protection afforded by the adoption of the proposed Timber Waiver, the Water Board will continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes described in this Initial Study. Therefore, the appropriate finding is **less than significant with mitigation incorporation**.

b) Timber harvest activities could have impacts that are individually limited, but cumulatively considerable; however, conditions and criteria that apply to all revised Timber Waiver categories mitigate significant cumulative adverse impacts from discharges associated with timber harvest activities to less than significant levels (see discussion under Soils and Geology, and Hydrology and Water Quality). The revised Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions. Therefore, activities conducted in compliance with the Timber Waiver conditions will not contribute to cumulative impacts.

The Water Board determines that timber harvest activities conducted in compliance with the six categories of the Timber Waiver will not adversely affect the quality or the beneficial uses of the waters of the State, and will be in the public interest pursuant to Water Code section 13269. In addition to the environmental protection afforded by the adoption of the proposed Timber Waiver, the Water Board will continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes described in this Initial Study. Therefore, the appropriate finding is **less than significant with mitigation incorporation**.

c) It is unlikely that timber harvest activities could have environmental effects which may cause substantial adverse effects on human beings, either directly or indirectly.

However, conditions and criteria that apply to all Timber Waiver categories mitigate significant cumulative adverse impacts from discharges associated with timber harvest activities to less than significant levels. The Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions.

The Water Board determines that timber harvest activities conducted in compliance with the six categories of the Timber Waiver will not adversely affect the quality or the beneficial uses of the waters of the State and is in the public interest pursuant to Water Code section 13269. Therefore, the appropriate finding is **less than significant**.

**DETERMINATION (To be completed by the Lead Agency)**

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

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Date

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