CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6T-2009-0029

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS

FOR

WASTE DISCHARGES RESULTING FROM
TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES IN THE LAHONTAN REGION
"2009 TIMBER WAIVER"

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

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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 "discharger") discharging waste or proposing to discharge waste (including but not limited to waste earthen and organic materials) as defined by Water Code Section 13050 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 which 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 need to apply for 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 California Water Code section 13260.

2. The Water Board has identified wastes associated with timber harvest and vegetation management activities (as defined in Attachment A and in this Order referred to as "activities") as having a potential effect on water quality. 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 scale of conditions. Segregating these activities into categories is intended to assist dischargers 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 12-28 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 prescribed fire outside Waterbody Buffer Zones		
3	Planned post fire rehabilitation	Written notification within 7 days of initiation. No monitoring required as part of Timber Waiver.	

Category	Type of timber harvest and vegetation management activities	Notification, application, and monitoring requirements	Application processing timeline
4	Activities which rely on existing roads, meet 10 criteria, 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 CALFIRE 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 **30 days** 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.

(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, the State Water Board has not established annual fee regulations with respect to timber harvest and vegetation management activities).

5. The Water Quality Control Plan for the Lahontan Region (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 anticipates adopting a Total Maximum Daily Load for sediment and nutrient discharges to Lake Tahoe in 2010. The Water Board adopted a Total Maximum Daily Load for sediment discharge to the Truckee River in 2008 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.

6. The Water Board recognizes the need statewide to address the current and growing threat of catastrophic wildfire. Decades of fire suppression have resulted in thick stands of trees and vegetation requiring 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 activities conducted in these areas are known. Similarly, 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. The Water Board recognizes a need for more information on the impacts and appropriate mitigation measures for equipment use and pile burning within 100-year floodplains of the Little Truckee River, Truckee River or Lake Tahoe HUs, or in Lake Tahoe HU SEZs. Research and demonstration activities are being proposed and the Water Board is allowing these activities to proceed under this waiver. To ensure these activities do not in themselves create 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; and
(d) 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.

7. The Water Board finds that the results of the USFS-Lake Tahoe Basin Management Unit Heavenly Valley Creek Stream Environment Zone Demonstration Project (USFS-LTBMU, 2008) provide sufficient evidence that permanent disturbance of SEZs did not occur from the operation of 13 psi cut-to-length equipment on dry granitic soils. 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 dry soil conditions occurs. Additionally, the results will be considered sufficient for use of the same or similar low ground pressure equipment elsewhere in the Lahontan Region.

8. 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 Category 1, 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.
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, 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 these activities.
iii. conducted under a Dead, Dying, Diseased Exemption issued by CALFIRE pursuant to California Code of Regulations, 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 the Water Board's additional restrictions on activities in waterbody buffer zones.

(b) For Category 2, 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 do not pose a significant threat to water quality.

(c) For Category 3, the Water Board waives monitoring requirements. 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 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.

9. On February 14, 2007, in accordance with Water Code section 13269, the Water Board adopted Resolution No. R6T-2007-0008 which revised the previous conditional waiver of waste discharge requirements for discharges related to timber harvest activities in the Lahontan Region (Resolution No. R6T-2003-0001). The Water Board is considering a revised Timber Waiver at this time to address:

   (a) requests made by the Water Board,

   (b) requests made by the regulated public and agencies, and

   (c) 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 following the 2007 Angora fire in South Lake Tahoe.

10. 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 (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.). Definitions contained in Water Code Section 13050(d) controls for the purpose of the Timber Waiver.

11. "Discharger" 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. Discharger includes any "person" as that term is defined by Water Code section 13050, subdivision (c).

12. The Water Board adopted the Water Quality Control Plan for the Lahontan Region (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.

13. 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 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 California Forest Practice Rules [California Code of Regulations, 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.

14. 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 will 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) as described in the Timber Waiver. 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 California Forest Practice Act Rules and Regulations. This provides a process for the incorporation of water quality protective measures into Timber Harvest Plans beyond those required by the California Forest Practice Act Rules and Regulations.

15. 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.

16. The Water Board has prepared a Mitigated Negative Declaration with regard to the Timber Waiver in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) and state CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.), and has considered the Mitigated Negative Declaration and determined there will be no significant adverse impacts to the environment from waiving waste discharge requirements for the categories of activities specified herein. The Water Board hereby certifies the Mitigated Negative Declaration for this Timber Waiver. The Executive Officer shall file all appropriate notices.

17. The Water Board held a public hearing on May 14, 2009, in South Lake Tahoe, California, and considered all evidence concerning this matter.

IT IS HEREBY ORDERED that any discharger meeting applicable eligibility criteria and requirements for activities in the Lahontan Region regulated by this Timber Waiver must comply with 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 discharger 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 activities with impacts that are not mitigated to less-than-significant levels, such as those identified in a California Environmental Quality Act environmental impact report, or a National Environmental Policy Act or Tahoe Regional Planning Agency environmental impact statement. Not all timber harvest and vegetation management activities proposed in the Lahontan Region will be eligible for this Timber Waiver. Dischargers 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 become effective on May 14, 2009, and shall expire on May 14, 2014, 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 May 14, 2014, unless this Timber Waiver is renewed by Water Board action.

5. Discharges regulated under the 2007 Waiver of Waste Discharge Requirements for Timber Harvest Activities (Resolution No. R6T-2007-0008) may continue or proceed under that waiver until it expires on February 14, 2012, or may choose to re-apply under this waiver. After May 14, 2009, no new applications for permit coverage under Resolution No. R6T-2007-0008 (the 2007 Timber Waiver) will be accepted.

6. Timber harvest and vegetation management activities approved by the California Department of Forestry and Fire Protection 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. For activities conducted by the U.S. Forest Service, the Water Board finds that the U.S. Forest Service's Best Management Practices Evaluation Program (BMPEP) fulfills, in part, Timber Waiver monitoring requirements for Timber Waiver Categories 4 and 6. Monitoring requirements in addition to the BMPEP that must be undertaken by the U.S. Forest Service in order to satisfy all monitoring and reporting requirements include implementation monitoring, and focused "high risk" effectiveness monitoring for activities that are located in watersheds that are at or above the Threshold of Concern (as determined by the U.S. Forest Service's cumulative watershed effects analysis), or on the Clean Water Act section 303(d) list for sediment impairment. Additional details on specific U.S. Forest Service requirements are described in Attachment O, Monitoring and Reporting Program for U.S. Forest Service Activities Enrolled Under Timber Waiver Categories 4 or 6.

8. Dischargers may request a waiver of monitoring or propose an alternate monitoring and reporting program, subject to approval by the Executive Officer pursuant to Water Code Section 13269. 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, as amended, 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, 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 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, or Stream Environment Zones or high erosion hazard lands (Bailey Land Classification 1a, 1c, or 2) of the Lake Tahoe HU, waste discharge prohibitions <u>may</u> apply. Review Attachment N 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 discharger 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 discharger must conduct monitoring and reporting pursuant to Water Code section 13267.

5. Timber harvest and vegetation management activities must be conducted in accordance with any mitigation and monitoring plans developed as part of complying with the California Environmental Quality Act, National Environmental Policy Act, California Forest Practice Act Rules and Regulations, and/or Tahoe Regional Planning Agency 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 which 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 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 section 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 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,
   (d) Addition or relocation of roads or skid trails into a Waterbody Buffer Zone.

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), Public Resources Code 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 video taping, 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, dischargers 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 discharger, in the vicinity of and downstream of timber harvest and vegetation management activities.

    (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 which may proceed under this category are those:

(1) Undertaken to comply with state, local, or county defensible space requirements, including California Public Resources Code (PRC) section 4291 requirements, OR

(2) 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, 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 California Code of Regulations, title 14, section 1038, subdivision(i), OR

(5) Undertaken to remove hazard trees in response to an imminent threat to life or property, OR

(6) Conducted under a CALFIRE issued Dead, Dying, Diseased Exemption in compliance with California Code of Regulations, title 14, section 1038 (b) without any exceptions to Section 1038 (b) condition nos. 6 or 9.

Conditions:
Dischargers 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 Waterbody Buffer Zone 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) Equipment, including tractors and vehicles, must not be driven across watercourses (including dry ephemeral streams) except over existing watercourse crossings.

(4) The operation of equipment, including tractors and vehicles, shall minimize soil disturbance to the maximum extent practicable.

(5) No tractor, vehicle, or equipment use on saturated soils (see definition of saturated soil conditions in Attachment A).

(6) 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.

Category 2: Activities conducted by hand crews (defined in Attachment A) including thinning operations and prescribed fire

Eligibility Criteria:
Activities which 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 pounds per square inch (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 of new landings or expansion of existing landings.

Conditions:
Dischargers 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 dry (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, AND

(3) Prior to the commencement of activities within Waterbody Buffer Zones (as defined in Attachment B), trees with a DBH[1] greater than 3 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 Waterbody Buffer

[1] DBH (Diameter at Breast Height) means the diameter of the tree measured outside bark, at breast height, a point 4.5 feet (1.37 m) above ground level.

Zones must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a:

a. Registered Professional Forester 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 Waterbody Buffer Zone 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 Waterbody Buffer Zones 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. 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.
b. Burn piles may be placed within Waterbody Buffer Zones under all of the following circumstances:
   i. Piles must not be located within 100 year floodplain of any watercourse or within 25 feet of a watercourse.
   ii. Piles must be limited in size to no more than 10 feet in diameter and 5 feet in height.
   iii. No more than 10% of the area within the Waterbody Buffer Zone shall be covered in piles. This condition means less than 10% of the Waterbody Buffer Zone area subject to vegetation management activities.
   iv. No placement or burning of piles within Stream Environment Zones in the Lake Tahoe HU.
c. Broadcast burning (as defined in Attachment A) is allowed as long as the prescription does not include active ignition within Waterbody Buffer Zones.

(Note: Prescribed fire within Waterbody Buffer Zones that do not meet the above conditions may be authorized pursuant to an activity-specific notification under Category 4 or 6. See General Provision 2.)

(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.

Category 3: Post-fire emergency rehabilitation

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. Activities conducted under a CAL FIRE Emergency Exemption do not qualify for Category 3.

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 hydrologic units 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, or Lake Tahoe HU Stream Environment Zones, 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) All activities conducted under Category 3 must comply with the General Conditions of this Timber Waiver and meet the category-specific eligibility criteria listed above.

Category 4: Activities which rely on existing roads, meet the following 10 criteria, and may include winter-period operations

Eligibility Criteria:
Activities which may proceed under this category must meet the following eligibility criteria:

(1) No construction of new roads.

(2) No construction of new watercourse crossings except for the construction of over-snow watercourse crossings.

(3) The use of up to one crossing of a dry Class III watercourse per ½ mile of stream length that does not disturb the bed or banks of the stream channel. Prior to use the crossing must be passable by standard production 4 wheel drive vehicles without any grading or excavation of the stream bed or banks or crossing approaches.

(4) No widening of watercourse crossings or road surfaces.

(5) No tractor, vehicle, or equipment operations within Waterbody Buffer Zones (as defined in Attachment B), meadows, or wet areas, except for:
   a. Use and maintenance of existing roads
   b. Over-snow
   c. Use of equipment with ground pressures less than 13 psi
   d. Up to one crossing of a dry Class III watercourse per ½ mile of stream as described above in Criteria 3 above.

(6) No activities on slopes greater than 60%, except for aerial or cable operations.

(7) No tractor, vehicle, or equipment operations on slopes greater than 50%.

(8) No construction of new skid trails on slopes greater than 40%, except over-snow operations.

(9) 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.

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

(11) In the Tahoe HU, equipment operations must be in compliance with the Basin Plan and TRPA regulations concerning steep slopes and high erosion hazard lands.

Conditions:
Dischargers 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 discharger 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 discharger 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 watercourses that support fish must be installed and maintained so as to allow for unrestricted passage of fish during all life stages.

(6) Within Water Body Buffer Zones and off existing roads, only operation of equipment with ground pressures less than 13 psi may occur:

a. When soils are dry (as defined in Attachment A) to a minimum depth of 12 inches and equilibrated groundwater levels are at least 2 feet below the soil surface, or
b. When hard-frozen soil conditions (as defined in Attachment A) exist, or
c. When snow depth is sufficient to not allow visible disturbance of soils,

AND

Equipment operations must occur at distances greater than 25 feet from a waterbody except for up to one Class III dry crossing per five acres.

(7) In the Truckee River, Little Truckee River and Lake Tahoe HUs, only 13 psi cut-to-length equipment on granitic soils may operate within Lake Tahoe SEZs or 100 year floodplains under this category. Dischargers 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.

(8) Tractor, vehicle, or equipment operations on roads or anywhere outside Water Body Buffer Zones 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 (as defined in Attachment A), or
c. When snow depth is sufficient to not allow visible disturbance of soils.

(9) Prior to the commencement of activities within Waterbody Buffer Zones (as defined in Attachment B), trees with a DBH[2] greater than 3 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 Waterbody Buffer Zones must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a:

[2] DBH (Diameter at Breast Height) means the diameter of the tree measured outside bark, at breast height, a point 4.5 feet (1.37 m) above ground level.

a. Registered Professional Forester or supervised designee,
b. Federal Forestry Professional (as defined in Attachment A) or supervised designee, or
c. Natural Resource Professional, or supervised designee.

(10) Activities must not cause or create erosion, destabilization of stream banks, temperature increases in waterbodies, disturbance to non-target vegetation within Waterbody Buffer Zones, or concentrated surface runoff.

(11) Chipped and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within Waterbody Buffer Zones chipped and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.

(12) 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 Waterbody Buffer Zones must be left in a condition such that 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. Burn piles may be placed within Water Body Buffer Zones under all of the following circumstances:
    i. Piles must not be located within 100 year floodplain of any watercourse or within 25 feet of a watercourse.

ii. Piles must be limited in size to no more than 10 feet in diameter and 5 feet in height.
iii. No more than 10% of the area within the Water Body Buffer Zone shall be covered in piles. This condition means less than 10% of the Waterbody Buffer Zone area subject to vegetation management activities.
iv. No placement or burning of burn piles within Stream Environment Zones in the Lake Tahoe HU.

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

(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, dischargers must submit an Implementation Monitoring Form (Attachment G) and request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Project Completion Form.

The discharger 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 and meet the category-specific eligibility criteria listed above.

Category 5: CAL FIRE approved Plans (including Timber Harvest Plans, Non-Industrial Timber Management Plans, other Plans, and Amendments)

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:
Dischargers 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) A Registered Professional Forester (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
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
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 Waterbody Buffer Zone (as defined in Attachment B).
d. Equipment operations within Waterbody Buffer Zones, Lake Tahoe, Truckee

River or Little Truckee River HUs 100 year floodplains, or Lake Tahoe HU SEZs.

e. Prescribed fire within Waterbody Buffer Zones, 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 Discharger 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.

(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

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 dischargers must request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Project Completion Form.

The project and the discharger 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 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 Water Body Buffer Zones, 100-year floodplains or Stream Environment Zones.

Eligibility Criteria:
Activities that do not qualify under categories 1 – 5 may be eligible under this category if the discharger adheres to the following conditions.

Conditions:
Dischargers 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 discharger 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) A Registered Professional Forester (RPF), Federal Forestry Professional, or Natural Resource Professional, has clearly indicated (within certified environmental documents completed in compliance with the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA), or within the Timber Waiver Application submitted to the Water Board) whether proposed activities could occur within or affect the following:

a. Aquatic or wetland habitat
b. Known landslides or unstable areas
c. Areas of high or extreme erosion hazard rating
d. Overflow channels, flood prone areas, and riparian areas

(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
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:

d. Skid trails on slopes greater than 50% (greater than 30% in Lake Tahoe HU)
e. Construction of new watercourse crossings and/or modification of existing watercourse crossings
f. 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 Waterbody Buffer Zone (as defined in Attachment B)
g. Equipment operations within Waterbody Buffer Zones or Lake Tahoe HU SEZs or Lake Tahoe, Truckee River or Little Truckee River HU 100 year floodplains.
h. Prescribed fire within Waterbody Buffer Zones, Lake Tahoe HU SEZs, or Truckee River or Little Truckee River HUs 100 year floodplains.
i. 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 discharger must provide in the application, NEPA, and/or CEQA document, project modifications and/or mitigation measures to avoid any adverse impact(s) to water quality. 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 Discharger 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 discharger may also include project trigger(s) (as defined in Attachment A) or thresholds where activities will stop if the trigger(s) are reached. The discharger will propose appropriate and quantifiable trigger. However, if the discharger does not propose trigger(s), or fails to propose trigger(s) adequate to prevent discharge, Water Board staff will work with the discharger 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.

(7) Pursuant to Water Code section 13267, if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A), the discharger must comply with the Category 6 **Daily Winter-Period Monitoring Program** (Attachment E). Data accumulated during this monitoring must be retained by the discharger 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 anywhere and off roads outside Waterbody Buffer Zones must be limited to times of the year when soils are not saturated.

(10) Tractor, vehicle, or equipment operations can occur anywhere when over hard-frozen soil conditions (as defined in Attachment A), or when snow depth is sufficient to not allow visible disturbance of soils.

(11) If condition 10 cannot be met, tractor, vehicle, or equipment operations off road within Waterbody Buffer Zones must be limited to when soils are dry (as defined in Attachment A) to a minimum depth of 12 inches and equilibrated groundwater levels are at least 2 feet below the soil surface.

(12) Within SEZs in the Lake Tahoe HU and 100 year floodplains of the Truckee River and Little Truckee River HUs, only 13 psi cut-to-length equipment on slash mats on granitic soils may be used provided conditions 8, 9, or 10 can be met without need for a Basin Plan prohibition exemption.

(13) 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.

(14) 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).

(15) 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.

(16) 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.

(17) Permanent watercourse crossings and approaches shall be installed and maintained to accommodate 100-year flood flows and associated debris.

(18) Prior to the commencement of timber harvest and vegetation management activities within Waterbody Buffer Zones (as defined in Attachment B), trees with a DBH[3] greater than 3 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 Waterbody Buffer Zones must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a:

a. Registered Professional Forester or supervised designee,
b. Federal Forestry Professional (as defined in Attachment A) or supervised designee, or
c. Natural Resource Professional, or supervised designee.

(19) 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.

(20) The following conditions apply to prescribed fire:

a. Burn piles may be placed within Water Body Buffer Zones under all of the following circumstances:
   i. Piles must not be located within 100 year floodplain of any watercourse or within 25 feet of a watercourse.
   ii. Piles must be limited in size to no more than 10 feet in diameter and 5 feet in height.
   iii. No more than 10% of the area within the Water Body Buffer Zone shall be covered in piles. This condition means less than 10% of the Waterbody Buffer Zone area subject to vegetation management activities.
   iv. No placement or burning of burn piles within Stream Environment Zones in the Lake Tahoe HU.
b. Authorization for burn piles not meeting the conditions in a. or b. above will be considered by the Executive Officer following Water Board staff review of

[3] DBH (Diameter at Breast Height) means the diameter of the tree measured outside bark, at breast height, a point 4.5 feet (1.37 m) above ground level.

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 Waterbody Buffer Zone
vi. Explanation why burn piles within the Waterbody Buffer Zone is proposed.
vii. Mitigation measures or project design features to be implemented to ensure no significant adverse environmental effects will occur (See Attachment Q for example design features)

c. These activities will be subject to additional monitoring and reporting requirements pursuant to Water Code section 13267 (e.g. vegetation recovery, evidence of erosion or transport of ash).

d. Areas burned within Waterbody Buffer Zones must be left in a condition such that ash, soils, and/or debris will not discharge to a waterbody.

e. 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.

(21) 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.

(22) Pursuant to Water Code section 13267, upon completion of activities dischargers must request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Project Completion Form.

The project and the discharger 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.

(23) Activities conducted under Category 6 must comply with the General Conditions of this Timber Waiver and meet the category-specific eligibility criteria listed above.

E. CERTIFICATION

I, Harold J. Singer, 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 May 14, 2009.

for HAROLD J. SINGER
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 Project Completion Form
- N: Waste Discharge Prohibition and Exemption Information for the Little Truckee, Truckee River and Lake Tahoe Hydrologic Units
- O: USFS Monitoring and Reporting Program
- P: Summary of Monitoring and Reporting Required for Categories 4, 5, and 6
- Q: Example Design Features for Pile Burning within Waterbody Buffer Zones