

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MEETING OF OCTOBER 7 AND 8, 2008
SOUTH LAKE TAHOE

LATE REVISION

ITEM: 4

SUBJECT: RESOLUTION WAIVING WASTE DISCHARGE REQUIREMENTS FOR VEGETATION MANAGEMENT ACTIVITIES REGULATED BY THE TRPA AND AUTHORIZING THE LAHONTAN WATER BOARD'S EXECUTIVE OFFICER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TRPA.

The following change is proposed to Resolution R6T-2008-(PROP):

1) **Page 4, Paragraph No. 2.** Remove strikethrough text and replace with underlined text as follows:

~~2) The Water Board does not waive the filing of a report of waste discharge and waste discharge requirements for vegetation management activities where a public agency, as defined in the California Environmental Quality Act, prepares an environmental impact report for a proposed vegetation management activity and it identifies water quality impacts that are not avoided, substantially lessened, and/or mitigated to a level of insignificance, or if a National Environmental Policy Act document prepared for a project identifies water quality impacts that will not be mitigated to a less than significant level.~~

2) The Water Board does not waive the filing of a report of waste discharge and waste discharge requirements for vegetation management activities with impacts that cannot be 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 TRPA environmental impact statement.

The following changes are proposed to the Memorandum of Understanding:

1) **Page 2, fourth paragraph.** Remove strikethrough text and replace with underlined text as follows:

WHEREAS, "vegetation management activities" include 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); cutting or removal of trees and vegetation, together with all the work incidental thereto, including, but not limited to, construction, reconstruction, and maintenance, and decommissioning of roads, fuel breaks, stream crossings, landings, skid trails, or beds for the falling of trees; burned area rehabilitation; ~~fuels hazard reduction~~; site preparation that involves disturbance of soil or burning of vegetation, and herbicide/pesticide application. Vegetation management activities do not include aquatic vegetation management, preparatory tree marking, surveying, or road flagging; and

2) Page 3, Paragraph No. 3. Remove paragraph, as indicated by strikethrough text as follows:

3. ~~An applicant proposing a vegetation management activity may choose to submit a complete application only to the Water Board and not to TRPA. In this situation, the Water Board will be the permitting agency and may request assistance from the TRPA.~~

3) Page 3, Paragraph No. 4. Remove paragraph, as indicated by strikethrough text as follows:

4. ~~The Water Board will not normally issue a permit, but may be involved in consultation and coordination with TRPA staff.~~

4) Page 3, Paragraph No. 5. Remove paragraph, as indicated by strikethrough text as follows:

5. ~~The Water Board may also use its full regulatory authority when requested by TRPA or as necessary to ensure protection of water quality (see Paragraphs No. 2 and No. 13).~~

5) Page 3, Paragraph No. 7. Remove strikethrough text and replace with underlined text as follows:

7. The agency issuing a permit to conduct vegetation management activities will conduct any required pre-harvest -project and final inspections, and will be responsible for granting a variance to the October 15 – May 1 soil disturbance prohibition period, if applicable.

6) Page 3, Paragraph No. 8. Remove strikethrough text and replace with underlined text as follows:

8. ~~If a public agency, as defined in the California Environmental Quality Act, prepares an environmental impact report for a proposed vegetation management activity and it identifies water quality impacts that are not avoided, substantially lessened, and/or mitigated to a level of insignificance, the Water Board may use its authority to issue a permit for the project. Similarly, if a National Environmental~~

~~Policy Act document prepared for a project includes specific considerations that make it infeasible to mitigate water quality impacts to a less than significant level, the Water Board may use its authority to issue a permit for the project.~~

8. This MOU does not cover vegetation management projects with impacts that cannot be 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 TRPA environmental impact statement.

7) Page 4, Paragraph No. 9. Remove strikethrough text and replace with underlined text as follows:

9. Consistent with the provisions of Paragraph No. 2 above, ~~the lead permitting agency, in most cases TRPA,~~ will notify and may consult ~~the other agency,~~ typically the Water Board, during the application review period for proposed vegetation management activities that ~~includes~~ propose any one or more of the following items:
- a) Permanent crossings bridging a perennial reach of a watercourse.
 - b) Temporary “wet” crossings (vehicles crossing through a channel when water is present).
 - c) Herbicide/pesticide use, excluding use of Borax/Sporax.
 - d) New permanent road construction over 3,000 linear feet, temporary road construction that will not be decommissioned prior to the winter, or new or temporary road construction on slopes over 30 percent.
 - e) Treatment areas of more than five hundred (500) total acres or one hundred (100) acres of verified stream environment zone lands.
 - f) Equipment operations on slopes over 30 percent.

8) Page 5, Paragraph No. 16. Remove strikethrough text and replace with underlined text as follows:

16. ~~Two staff persons from each agency shall be designated as a liaison and responsible persons for the implementation of this MOU. A staff person and an alternate from each agency shall be designated as the liaison for the implementation of this MOU.~~ Each agency must dedicate staff to adequately implement the provisions of this MOU.

9) Pages 3 through 5. Re-number paragraphs to reflect removal of Paragraphs 3, 4 and 5.