

INITIAL STUDY

1.	Project Title: Waste Discharge Requirements for Timber Harvesting Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and the Pacific Lumber Company in the Freshwater Creek Watershed		
2.	Lead agency name and address: <u>North Coast Regional Water Quality Control Board</u> <u>5550 Skylane Blvd, Suite A, Santa Rosa, CA 95403</u>		
3.	Contact person and phone number: <u>Mark Neely,</u> <u>(707) 576-2689</u>		
4.	Project location: <u>Freshwater Creek watershed, tributary to Humboldt Bay,</u> <u>Humboldt County, North Coast Region</u>		
5.	Project sponsor's name and address: <u>North Coast Regional Water Quality Control Board</u> <u>5550 Skylane Blvd, Suite A, Santa Rosa, CA 95403</u>		
6.	General plan designation: <u>n/a</u>	7.	Zoning: <u>n/a</u>

8. **Description of project:**

**Waste Discharge Requirements
for
Timber Harvest Activities
Conducted by Scotia Pacific Company, Salmon Creek Corporation,
and
The Pacific Lumber Company
in the
Freshwater Creek Watershed**

The North Coast Regional Water Quality Control Board (Regional Water Board) is responsible for regulating waste discharges from timber harvesting plan activities that could affect the quality and beneficial uses of waters in the North Coast Region. The effects on water resources from land use practices associated with timber production and harvesting led to the Regional Water Board actively regulating discharges from logging, construction, and associated activities since 1972. Timber harvesting has a direct influence on water quality and beneficial uses of water throughout the North Coast Region. In its California Environmental Quality Act (CEQA) role of responsible agency, the Regional Water Board staff reviews approximately a dozen proposed timber harvest plans in the Freshwater Creek watershed each year that are submitted to the California Department of Forestry and Fire Protection (CDF).

This project is an Order prescribing watershed-wide waste discharge requirements (hereinafter, referred to as “watershed-wide WDRs” or Order) placing restrictions on discharges associated with timber harvesting plan activities on lands owned and/or operated on by the Scotia Pacific Company, Salmon Creek Corporation, and the Pacific Lumber Company (hereinafter, collectively referred to as the “Discharger”) in the Freshwater Creek watershed. For purposes of the proposed Order, the term “Freshwater Creek watershed” refers to the area comprised of the Cloney Gulch (1110.000102), Little Freshwater Creek (1110.000103), and Upper Freshwater Creek (1110.000101)

planning watersheds (CalWater V2.2). The Order applies only to lands owned by the Discharger due to their extensive forestland ownership in the watershed, their past harvest history, and subsequent discharge of sediment and its impact on beneficial uses, including increased the risk of flooding. The discharger owns approximately 15,520 acres (78%) of the 19,892 acre Freshwater Creek watershed.

The Regional Water Board may prescribe waste discharge requirements for any discharges of waste (other than into a community sewer system) that could affect the quality of the waters of the State pursuant to the California Water Code (CWC) section 13263. The proposed watershed-wide WDRs are conditional and could be terminated for good cause at any time by the Regional Water Board or the Executive Officer.

The requirements of the proposed Order will address cumulative watershed impacts by reducing the impacts of timber harvest plan activities and thereby serve to protect the quality and beneficial uses of the waters of the State. The project authorizes discharges associated with timber harvest plan activities only to the extent that such discharges will not violate water quality requirements of the *Water Quality Control Plan for the North Coast Region* (Basin Plan) and the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.). Any timber harvest plan activities that violate or threaten to violate these water quality requirements will be ineligible for or will be terminated from coverage under the Order.

The Regional Water Board proposes to make a determination that the Order will not adversely affect the quality of, or the beneficial uses of, waters of the State, and will be consistent with the Region's Basin Plan, pursuant to CWC § 13263.

Definitions used in this Initial Study and Associated Order

The definitions of terms used in this Initial Study are the same ones, incorporated herein by reference, as found in the proposed Order (watershed-wide WDRs), in section X (as found in Attachment 1 to this Initial Study).

Timber Harvest Planning Process for Private Timberland

Under state law, lands zoned for timberland production are restricted to growing and harvesting timber and to compatible uses (Government Code Section 5110 et seq.). In enacting the Forest Practices Act (FPA), California Public Resources Code Sections 4511 et seq., the California legislature declared the intent to ensure that, where feasible, the productivity of timberlands is restored, enhanced, and maintained. Furthermore, the goal of maximum sustained production of high-quality timber products is to be achieved while considering values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment (Pub. Res. Code Section 4513(b)).

CDF's process of regulating timber harvesting on private and state-owned lands in California occurs under the FPA of 1973 and the California Environmental Quality Act (CEQA). The Board of Forestry and Fire Protection (BOF) adopt regulations under

authority of the FPA, and CDF administers those rules. In 1975, the courts and the Attorney General found that CDF's approval of THPs were subject to the requirements of the CEQA, thus requiring analysis of environmental impacts of proposed timber harvest plan activities in an environmental document (typically through the development of an environmental impact report, or EIR). These events caused California's Resources Agency to issue emergency regulations, which established the framework for the current multidisciplinary timber harvest plan review process (Title 14, California Code of Regulations (CCR) §1037.5), and certified the review team process as functionally equivalent to the EIR process (14 CCR § 15251(a)). Regional Water Board staff is identified by regulation as members of the interdisciplinary CDF review team.

CEQA and the Forest Practice Rules (FPRs) both require that CDF not approve a THP as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the THP. The applicant must disclose and identify the significant effects of a THP for state agency and public review. An unmitigated substantial adverse effect on a species listed under the Federal or State Endangered Species Act would be a significant effect under CEQA. The FPA emphasizes decision-making based on special rules. CEQA, in contrast, emphasizes case-by-case, open-ended analysis of proposed THPs based on potential environmental impacts as offset or lessened by THP alternatives and mitigation measures. The review of timber harvest activities on state-owned and private land is a melding of the two processes and has been certified as a functional equivalent process for complying with CEQA (Pub. Res. Code §21080.5; 14 CCR § 15251[a]).

The FPRs are the foundation for the regulation of forest practices on private lands in California. Due to the variety of individual circumstances of timber harvesting in California, the FPRs are not strictly prescriptive. Flexibility is allowed to cover a wide variety of site-specific circumstances. However, the underlying principle and goal are to achieve the timber harvest objective without causing a significant adverse impact to any forest resource. CDF encourages the registered professional forester (RPF) submitting a timber harvest plan to seek input from knowledgeable individuals when preparing plans. In reviewing individual plans and notices, CDF complies with the FPA, the FPRs, and CEQA through its certified functional equivalent program. In this process, for each timber harvest plan reviewed and approved by CDF, CDF acts as "lead" agency for CEQA purposes.

Under the FPA, a plan must be prepared and signed by an RPF and submitted to CDF for review and approval for each timber harvest. CDF staff examines each plan and determine whether the plan may have a significant impact on the environment and is in compliance with the FPA, CEQA, and other state and federal laws. The time frame for plan review is established in statute and ranges from 60 to 80 days.

The timber harvest review team membership is composed of representatives of the California Department of Forestry (CDF), Department of Fish and Game (DFG), California Geological Survey (CGS) and the Regional Water Board. Other agencies may participate in the review team, including the Department of Parks and Recreation,

National Park Service, and County Planning Departments. The CDF chairs the review team and makes the final decisions on the timber harvest procedures included in the plans. The other agencies engage in advisory roles. As set forth in FPR section 1037.5, the function of the review team is “to assist the [CDF] Director in determining if [plans] are in conformance with [the BOF] rules and to evaluate the potential environmental impacts of timber operations”.

A plan must include a description of the site to be harvested, the types of timber harvest activities to be conducted, and the mitigation measures to be used consistent with the FPRs and other applicable state and federal laws. Information concerning silvicultural systems, yarding methods, reforestation methods, erosion control methods, stream protection, cultural and historical resources, road building, and erosion hazard potential and erosion control measures must be included in the plan. The RPF must conduct a field investigation to apply the rules with respect to watercourse classification and protection measures, location of sensitive terrain, and development of appropriate mitigation measures or alternatives. Most plans are subject to a pre-harvest inspection during the review process. The plan is also subject to public review. CDF considers all comments by the agencies and the public, and prepares a written response to comments before making a decision on the plan. Most plans have additional mitigation measures applied prior to the final decision.

Pursuant to the federal Clean Water Act section 208, the State Water Board adopted a management agency approach for controlling discharges from timber harvest activities to waters of the State. The Regional Water Board, CDF and the BOF all have direct authority, responsibility, staffing resources and expertise to require that timber harvest activities on plans and notices are implemented, enforced and evaluated. On January 21, 1988, the State Water Board approved a Management Agency Agreement (MAA) that designates the BOF and the CDF as joint management agencies for water quality protection from timber operations on nonfederal lands within the State.

Under the management agency approach, the State and Regional Water Boards have historically relied to a large extent on the commitment and cooperation of CDF and the BOF to act as partners in controlling discharges of waste from timber operations that they directly regulate. Benefits from this approach include:

1. Streamlining the regulatory process by avoiding duplicative regulatory requirements.
2. Providing formal recognition to the programs of CDF and BOF as being part of the State’s nonpoint source program for controlling pollution and protecting the quality and beneficial uses of the State’s waters.
3. Reducing the level of resources needed by State and Regional Water Boards in controlling discharges from timber harvest activities.
4. Minimizing the expense to the public for review of plans and notices.

However, under the governing law and the MAA, the State and Regional Water Boards maintain their independent authority and obligation to protect water quality through waste discharge requirements, waivers thereof, and other regulatory or permitting

actions as appropriate and necessary. (PRC § 4514(c) and CWC § 13000 et seq.) In exercising this authority and obligation, the Regional Water Board acts as a “responsible agency” for CEQA purposes, imposing any additional regulatory or permitting requirements necessary to comply with the Porter-Cologne Water Quality Control Act and the Basin Plan.

State and Regional Water Boards Non Point Source Control Process

The Porter-Cologne Act provides that all discharges of waste into the waters of the State are privileges, not rights and that all dischargers, both point and nonpoint, are subject to regulation under the Porter-Cologne Act. The legislature provided the State Water Resources Control Board (State Water Board) and Regional Water Boards with administrative permitting authority in the form of administrative tools (e.g. waste discharge requirements [WDRs], waivers of WDRs, and Basin Plan prohibitions) to address ongoing and proposed waste discharges.

The Porter-Cologne Water Quality Control Act was amended in 1999 to require the State Water Board to develop guidelines to enforce the state’s non point source pollution control program. The State Water Board complied by adopting the *Policy for the Implementation and Enforcement of the NonPoint Source Pollution Control Program* (May 2004). This new policy replaced the “three-tiered” approach that was adopted by the State Water Board in the *Plan for California NonPoint Source Pollution Control Program* (1989) and requires the Regional Water Boards to regulate all nonpoint sources of pollution using the administrative permitting authorities provided by the Porter-Cologne Water Quality Control Act.

The Regional Water Board has chosen to comply with the 2004 nonpoint source pollution control policy by developing a regulatory structure to address discharge from timber harvest activities by using a combination of existing permitting authorities. The regulatory structure includes using:

- a categorical waiver for low impact forestry operations,
- general waste discharge requirements for the majority of timber harvest activities in the North Coast Region, and
- watershed-wide, watershed-specific, or ownership-wide waste discharge requirements for timber harvest operations in watersheds with unique conditions, such as cumulative impacts, special hydrological characteristics, history of extensive timber harvest or other ground disturbing activities, affected domestic water supplies or increased risk of nuisance flooding.

On June 23, 2004, the Regional Water Board adopted both the *Categorical Waiver of Waste Discharge Requirements for Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Order R1-2004-0016) and the *General Waste Discharge Requirements for Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Order No. R1-2004-0030).

The categorical waiver provides eligibility criteria and conditions that must be met and

maintained for THPs seeking coverage under the waiver. Eligibility criteria and conditions were designed to encompass “low impact” timber harvest activities including in part, use of uneven-age or high canopy retention silvicultural prescriptions, prohibition on winter period operations, and a prohibition on activities on unstable areas without significant geologic evaluation and reporting.

The general waste discharge requirements provide specific provisions, general conditions and “Recision and Denial of Coverage” language to aid the Executive Officer in determining applicability of a THP for coverage under the General WDR. Both the General WDR and the waiver contain exclusions for coverage under those orders, including a provision that in watersheds with unique conditions, such as cumulative impacts, special hydrological characteristics, history of extensive timber harvest or other ground disturbing activities, large acreage ownerships, affected domestic water supplies and increased risk of nuisance flooding further regulation may be warranted.

Due to the unique conditions present in the Freshwater Creek watershed as described above, the proposed watershed-wide WDRs is the regulatory process the Regional Water Board staff proposes for use in addressing discharges from timber harvesting plan activities on lands owned and/or operated on by the Discharger in the Freshwater Creek watershed.

In addition to the use of this regulatory framework, the Regional Water Board also directed staff to continue to utilize Cleanup and Abatement Order (CAO) process to address existing and potential road related sediment sources in the Freshwater Creek watershed.

In response to previous Regional Water Board action (December 2003), staff worked with the Discharger on a cooperative approach in designing a clean up plan and implementation schedule. At the same Board meeting, the Regional Water Board directed the Executive Office to issue a CAO if the development of a cooperative agreement was not accomplished in a reasonable time frame. Due to the lengthy time frame (more than one year) for development of a cooperative agreement, Regional Water Board staff is developing a CAO for the Freshwater Creek watershed that will require the Discharger to shall prepare and submit, for the Regional Water Board Executive Officer’s approval, a sediment source inventory and sediment reduction plan, as well as a master treatment schedule for the Discharger’s ownership in the Freshwater Creek watersheds. This approach will provide an aggressive watershed-wide clean up and abatement plan based on risk of sediment discharge and impacts to the beneficial uses of water, risks of flooding.

Specifics of the Proposed Project

The proposed Order: “Waste Discharge Requirements for Timber Harvesting Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company in the Freshwater Creek Watershed” is attached to this Initial Study as Attachment 1. The Definitions used in the Initial Study and the Proposed

Order are synonymous.

The proposed Order prescribes watershed-wide waste discharge requirements (hereinafter, referred to as “watershed-wide WDRs”) for timber harvest plan activities conducted on lands owned and/or operated by the Scotia Pacific Company, Salmon Creek Corporation, and the Pacific Lumber Company (hereinafter, collectively referred to as the “Discharger”) in the Freshwater Creek watershed. For purposes of this Order, the term “Freshwater Creek watershed” refers to the area comprised of the Cloney Gulch (1110.000102), Little Freshwater Creek (1110.000103), and Upper Freshwater Creek (1110.000101) planning watersheds (CalWater V2.2). The Freshwater Creek watershed in western Humboldt County is one of the major tributaries to the southern end of Humboldt Bay.

The Order applies only to lands owned by the Discharger, due to their extensive ownership in the watershed (78%), their past harvest history, and subsequent discharge of sediment and its impact on beneficial uses, including increased risk of flooding, and their proposed ongoing intensive timber harvest practices in the immediate and foreseeable future.

These watershed-wide WDRs are for activities that do not qualify for the waiver of WDRs under Order R1-2004-0016 (Categorical Waiver) nor for the General WDRs under Order No.R1-2004-0030.

As stated in the findings in the resolution adopted with this Order, Freshwater Creek has been cumulatively impacted by discharges of sediment and by nuisance flooding related to the intensity, rate and scale of timber harvest plan activities. This Order, when coupled with applicable cleanup and abatement orders, addresses past, present and future impacts associated with discharges of waste from timber harvest plan activities in the Freshwater Creek watershed. Specifically, conditions of pollution and nuisance associated with timber harvest plan activities will be reduced, and the beneficial uses of water in Freshwater Creek will begin to be restored by:

- 1) Permitting (through the proposed Order) wastewater runoff from THP areas in limited volumes calculated to reduce the magnitude and frequency of nuisance flooding downstream, and to reduce pollution from discharges of waste associated with increased runoff;
- 2) Permitting (through the proposed Order) discharges of landslide-delivered sediment from THP harvest areas in limited volumes calculated to prevent and minimize further contributions to existing cumulative impacts; and
- 3) Continuing (through the proposed Order) cleanup efforts to correct known and newly discovered Controllable Sediment Discharge Sources through the development and implementation of Erosion Control Plans (ECPs) for each THP.
- 4) Continuing (through CAOs) an aggressive schedule of watershed-wide cleanup efforts to correct existing Controllable Sediment Discharge Sources beyond the limited scope of the ECPs.

The watershed-wide WDRs integrate three approaches into a framework for addressing cumulative watershed effects from timber harvesting plan activities and improving water quality: reductions in peak flow magnitude and frequency, reductions in sediment delivery from landslides associated with timber harvesting plan activities, and reductions in sediment delivery from other sources.

9. **Surrounding land uses and setting:**

The Freshwater Creek watershed in western Humboldt County is one of the major tributaries to the northern end of Humboldt Bay. The Freshwater Creek watershed encompasses approximately 19,892 acres of which the Discharger owns approximately 15,520 acres or 78% of the land in the watershed. Primary land uses on the remaining ownerships include agriculture and rural subdivisions.

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**

Enrollees to the watershed-wide WDRs must obtain a permit (approved Timber Harvest Plan) from CDF, the state permitting agency for timber harvest, prior to enrolling in the watershed-wide WDRs provided under this proposed Order.

The California Endangered Species Act and the Federal Endangered Species Act also requires measures to avoid, minimize, and fully mitigate the impacts on endangered species, as do requirements of the State Fish and Game Code (FGC). FGC section 1600 *et al* 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, or from using any material from the streambeds, unless they have first notified DFG of the activity and enter into a formal Agreement with them. The terms of the Agreement are enforceable, and are incorporated into the proposed timber harvest plan activities. Upon execution of the Agreement, the notifying person may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by DFG or use any material from the streambeds, so long as the activities are conducted in accordance with the terms of the Agreement.

Timber harvest plan activities on the Discharger's lands in the Freshwater Creek watershed are also covered under their Habitat Conservation Plan and must comply with the most current watershed prescriptions as approved by the federal signatory agencies. The Discharger is also required to obtain "incidental take" permits from DFG and the appropriate federal agencies to the degree the HCP may no longer provide such coverage as a result of judicial action.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

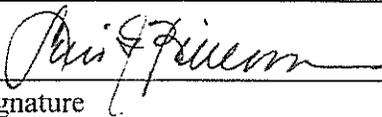
The environmental factors checked below potentially could be affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION:

On the basis of this initial evaluation

✓	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.

Signature 

Date 6.28.05

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. 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 that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

Issues:

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

Finding: Less than significant Impact. Timber harvest plan activities could have aesthetic impacts. However, the proposed Order (the “project” for CEQA purposes) does not determine whether timber harvest activity is undertaken, but sets out the additional regulatory terms the Regional Water Board, acting as a “responsible agency” for CEQA purposes, will impose to further protect water quality, after CDF’s lead agency approval process, with the sole purpose of

improving water quality. For timber harvest plan activities on state-owned and private lands, impacts from timber harvesting, such as aesthetic impacts, must be addressed and mitigated in accordance with the Z’berg-Nejedly Forest Practice Act and the California Forest Practice Rules (FPRs) as administered by the CDF. Subchapter 2, Article 1, Section 896 of the FPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered Professional Foresters (RPFs) in preparing Timber Harvest Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board’s (BOF) intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5. In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules”.

In accordance with the above, and as a requisite for approval by CDF, each timber operation will incorporate mitigation measures to reduce any impact to a less than significant level.

The adoption of watershed wide WDRs for timber harvest plan activities on the Discharger’s land will further mitigate any impacts with additional conditions, including prohibiting the creation of nuisance conditions.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES: 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				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
(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?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
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?				✓

Finding: No Impact. This project will not determine whether an activity is undertaken. This project adds protection in addition to CDF's lead agency approval process. Timber harvest plan activities will occur only at locations that have obtained all applicable land use entitlements. This project will not alter the need to comply with land use requirements.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY -- 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?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?				✓
e) Create objectionable odors affecting a substantial number of people?				✓

Finding: Less-than-significant Impact. This project will not determine whether an activity is undertaken, but imposes on the activity additional water quality protection measures through watershed wide WDRs. Specific timber harvest plan activities may generate dust emissions as the result of road and trail construction and use, and the construction of landings and pads. Nitrogen oxides (NO_x) and sulfur oxides (SO_x) will be emitted during timber harvest plan activities, including from use of heavy equipment engines. In general, timber harvesting plan activities are conducted at locations removed from populated areas, in areas dispersed across the landscape. The environmental reviews conducted by CDF for the Discharger addresses emissions from timber harvesting plan activities. Any emissions are likely to dissipate before reaching objectionable levels. No other air pollutant discharges are anticipated. For timber harvesting plan activities on state-owned and private lands, any such impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (FPRs).

Subchapter 2, Article 1, Section 896 of the FPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered professional Foresters (RPFs) in preparing Timber Harvest Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board’s intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5 In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules”.

In accordance with the above, and as a requisite for approval by CDF, each timber harvest plan will incorporate mitigation measures to reduce any impact to a less than significant level.

The adoption of the proposed Regional Water Board Order for timber harvesting plan activities on the Discharger’s land will further mitigate any impacts with additional conditions, including prohibiting the creation of nuisance conditions.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- 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?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				✓
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				✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or 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?				✓
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?				✓

Finding: Less-than-significant Impact. This project will not determine whether an activity is undertaken, but imposes on the activity additional environmental protection measures in the form of watershed-wide WDRs. This project will prohibit adverse impacts of waste discharges on biological resources. Additionally, timber harvesting plan activities are subject to environmental impact evaluation and mitigation by the established processes used in planning those activities by the CDF.

The proposed Order provides general conditions applicable to all timber harvesting plan activities covered by the Order, and require that those activities adhere to the conditions set out in the environmental documents prepared by CDF under CEQA. These conditions augmented and significantly enhanced by the proposed watershed-wide WDRs also prevent timber harvesting plan activities from causing an unreasonable interference with beneficial uses amounting to a pollution or nuisance as defined by California Water Code section 13050. Beneficial uses of waterbodies in the North Coast Region cover a broad scope, including fourteen separate designations for biological resources (Warm Freshwater Habitat; Cold Freshwater Habitat; Inland Saline Water Habitat; Estuarine Habitat; Marine Habitat; Wildlife Habitat; Preservation of Areas of Special Biological Significance; Rare, Threatened, or Endangered Species; Migration of Aquatic Organisms; Spawning, Reproduction, and/or Early Development; Shellfish Harvesting, Water Quality Enhancement, Flood Peak Attenuation/Flood Water Storage, Wetlands Habitat). Accordingly, this Order ensures that all these beneficial uses are protected from adverse impacts of timber harvesting plan activities in the Freshwater Creek watershed.

In combination, the watershed wide WDRs prohibit impacts from timber harvesting plan activities on biological resources, individually or cumulatively.

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

Finding: No Impact. This project will not determine whether an activity is undertaken, but imposes on the activity additional environmental protection measures in the form of watershed-wide WDRs. Timber harvesting plan activities are subject to cultural and historical impact evaluation and mitigation by the established processes used in planning those activities by the CDF. The proposed watershed-wide WDRs will have no adverse impacts of waste discharges on cultural or historical resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- 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-				✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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.				
ii) Strong seismic ground shaking?				✓
iii) Seismic-related ground failure, including liquefaction?				✓
iv) Landslides?			✓	
b) Result in substantial soil erosion or the loss of topsoil?			✓	
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?				✓
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?				✓
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?				✓

Finding: Less-than-significant Impact.

a.iv.) Specific timber harvesting plan activities can cause accelerated landsliding or other mass wasting events if appropriate measures are not implemented. Prevention and/or mitigation measures are prescribed for specific timber harvesting plan activities on the Discharger's lands as part of CDF's lead agency approval process. This Order will require additional measures to further reduce any remaining potential for landsliding beyond those required by CDF. These include receiving water limitations (receiving water limits) that are calculated to restrict discharges from landslides sources on the Discharger's lands associated with the timber harvesting plan activities.

b). Specific timber harvesting plan activities could cause substantial soil erosion or the loss of topsoil if appropriate measures are not implemented. Prevention and/or mitigation measures are prescribed for specific timber harvesting activities on the Discharger's lands as part of CDF's lead agency approval process. This project will require additional measures to further reduce any remaining potential for soil erosion beyond those required by CDF. These include receiving waterlimits that are calculated to restrict discharges from landslides, and the assessment and abatement of new and existing soil erosion sources on the Discharger's lands associated with the timber harvesting activities.

As noted previously, a requisite for approval by CDF, each timber operation will incorporate mitigation measures to reduce any impact to a less than significant level. The proposed watershed-wide WDR will further reduce those impacts as they may affect water quality.

General conditions applicable to all activities covered by the Order require that activities adhere to environmental documents prepared for them pursuant to the California Environmental Quality Act. These conditions also prevent timber harvesting activities from causing an unreasonable interference with beneficial uses amounting to a pollution or nuisance as defined by California Water Code section 13050. Erosion that results in sediment entering a watercourse in amounts that could threaten beneficial uses would not be permitted under this Order.

In combination, the existing timber harvest plan approval processes along with these watershed-wide WDRs assure that impacts from timber harvesting plan activities on excess erosion, individually or cumulatively, will be less than significant. This project will prohibit adverse impacts to water quality resulting from soil erosion.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through 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				✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
materials, substances, or waste within one-quarter mile of an existing or proposed school?				
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?				✓
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?				✓
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?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
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?				✓

Finding: No Impact. This project will not determine whether an activity is undertaken, but subjects the activity to additional environmental constraints in the form of watershed-wide WDRs. This project prohibits the discharge of hazardous waste.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				✓
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 general waste discharge requirements have been granted)?				✓
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?			✓	
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 that would result in flooding on- or off-site?			✓	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
f) Otherwise substantially degrade water quality?			✓	
g) Place housing within a 100-year flood				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓
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?				✓
j) Inundation by seiche, tsunami, or mudflow?				✓

Finding: Less-than-significant Impact.

The following discussion applies to c through f.

Specific timber harvesting plan activities could 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 erosion or siltation on- or off-site, flooding on- or off-site, provide additional sources of polluted runoff, or otherwise affect water quality if appropriate prevention or mitigation measures are not implemented.

As described more fully above, for timber harvesting plan activities on private lands, any such impacts must be addressed and mitigated in accordance with the Forest Practice Act and Rules. As a requisite for approval by CDF in the implementation of the Forest Practice Act and Rules, and in compliance with CEQA, each timber harvest activity will incorporate mitigation measures to reduce any impact to a less than significant level. Prevention and/or mitigation measures are prescribed for specific timber harvesting plan activities on private lands as part of CDF's approval process.

This project will require additional assessment of, and further limitations on, siltation, nuisance flooding, pollution runoff, and related discharges as part of the watershed-wide WDRs.

Additionally, the watershed-wide WDRs impose limitations beyond those required by CDF, to more effectively restrict increases in peak flow resulting from timber harvesting activities. The watershed-wide WDRs are crafted to ensure that further impacts to water quality and flooding issues will not result from timber harvesting plan activities conducted in compliance proposed Order. The watershed-wide WDRs are designed to control nuisance flooding. The project area

already has elevated frequency and magnitude of flooding, due, at least in part, to increased runoff from timber harvesting plan activities and reduction in channel capacity resulting from sediment aggradation. The watershed-wide WDRs are designed to reduce, over time, peakflow and sediment runoff to ensure that nuisance flooding is also reduced. The provisions of the WDRs are in addition to those of CDF's timber harvest plan process and will ensure that hydrology and water quality impacts are less than if the project does not occur.

The proposed Order incorporates discharge specifications that prevent any of the following that constitute nuisance or adversely affect beneficial uses: coloration; concentrations of floating material (including solids, liquids, foams, and scum); concentrations of suspended material; deposition of material; concentrations of oils, greases, waxes, or other materials that result in a visible film on the water or on objects in the water; concentrations of biostimulatory substances that promote aquatic growths; suspended sediment load or discharge rate; an increase in turbidity of more than 20 percent above background levels; concentrations of toxic substances toxic to human, plant, animal, or aquatic life.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				✓
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?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

Finding: No Impact. Timber harvesting plan activities will occur in areas in which applicable land use entitlements have already been obtained. Implementation of this project will not result in conflict with any applicable land use plan, policy, or regulation, habitat conservation plan or natural community plan. The project will not result in the division of an established community.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES -- 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?				✓
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?				✓

Finding: No Impact. This project will not affect mineral resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE -- 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?				✓
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
c) A substantial permanent increase in ambient noise levels in the project vicinity above existing pre-project levels?				✓
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing pre-project levels?			✓	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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 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?				✓

Finding: Less-than-significant Impact.

d) Specific timber harvesting plan activities could result in a substantial temporary increase in ambient noise levels above existing pre-operation levels. CDF's CEQA functional equivalent process addresses these types of potential impacts.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING -- 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)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

Finding: No Impact. This project will have no impacts on population or housing, especially considering that timber harvesting plan activities permitted under the proposed watershed-wide

WDRs will be on timberlands zoned for those purposes. Timber harvesting plan activities would not directly or indirectly induce population growth, displace any existing housing, or job supply.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES				
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?				✓
Police protection?				✓
Schools?				✓
Parks?				✓
Other public facilities?				✓

Finding: No Impact. This project will have no impacts on public services. Timber harvesting plan activities will not increase the number of structures, require additional public services, nor require new governmental facilities.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. RECREATION --				
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?				✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?				✓

Finding: No Impact. This project will have no impacts on recreation. Timber harvesting plan activities do not include recreational facilities and will not increase the use of any recreational facility.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic that 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)?				✓
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				✓
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?				✓
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e) Result in inadequate emergency access?				✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Result in inadequate parking capacity?				✓
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

Finding: Less-than-significant Impact. Specific timber harvesting plan activities could result in a substantial temporary increase in ambient noise levels above existing pre-operation levels. However, this project will not determine whether an activity is undertaken, but imposes on the activity further environmental constraints in the form of watershed-wide WDRs. Additionally, this project will prohibit the creation of nuisance conditions.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
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?				✓
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?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e) Result in a determination by the wastewater treatment provider which				✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓

Finding: No Impact. Timber harvesting plan activities will not adversely impact utilities and service systems. This project will have no impact on utilities and service systems.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --				
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?				✓
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)?				✓

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

Finding: *No Impact.*

As explored more fully above, for timber harvesting plan activities on private lands, all potentially significant environmental effects, including cumulative impacts, must be addressed and are mitigated in accordance with CEQA through CDF's lead agency timber harvest plan approval process. As a requisite for approval by CDF in the implementation of the Forest Practice Act and Rules, and in compliance with CEQA, each timber harvest activity will incorporate mitigation measures to reduce any impact to a less than significant level. Prevention and/or mitigation measures are prescribed for specific timber harvesting plan activities on private lands as part of CDF's approval process. Under the proposed Order, no timber harvest plan can be enrolled for coverage unless CDF has completed its lead agency CEQA process.

The proposed watershed-wide WDRs are crafted specifically to enhance and augment the CDF permitting process to more effectively address cumulative impacts from sediment discharges and peak flows associated with timber harvesting plan activities.

Regional Water Board Determination

The Regional Water Board has determined that implementation of this project -- the adoption of *Waste Discharge Requirements For Timber Harvesting Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, And The Pacific Lumber Company In The Freshwater Creek Watershed* - - set out therein, will result in no significant effects on the environment.

Negative Declaration

This statement and attachments constitute the Negative Declaration as proposed for adoption by the North Coast Regional Water Quality Control Board (Regional Water Board) for the project described below.

Posting Date: June 29, 2005
To State Clearinghouse: June 28, 2005
Comment Period: June 29, 2005 to August 1, 2005
Public Hearing: April 24-25, 2006
**Public Hearing and
Proposed Adoption Date:** May 8, 2006

Project Name: **Waste Discharge Requirements for Timber Harvesting Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company in the Freshwater Creek Watershed**

Staff Contact: Mark Neely (707) 576-2689

Project Description: The project consists of the adoption of a proposed order for watershed-wide waste discharge requirements for timber harvesting plan activities to meet specified discharge prohibitions, receiving water limitations, conditions, and provisions, pursuant to California Water Code section 13263. Any such watershed-wide waste discharge requirements issued pursuant to this code section would be determined by the Regional Water Board to prescribe requirements necessary to protect the quality and beneficial uses of the waters of the State, and to implement the applicable Water Quality Control Plan (Basin Plan) and other applicable water quality laws. The proposed watershed-wide waste discharge requirements would be conditional, and coverage for any individual activity may be terminated at any time for cause by the Regional Water Board or its Executive Officer.

Project Location: Freshwater Creek Watershed, tributary to Humboldt Bay, Humboldt County. For purposes of this Order, the term "Freshwater Creek watershed" refers to the area comprised of the Cloney Gulch (1110.000102), Little Freshwater Creek (1110.000103), and Upper Freshwater Creek (1110.000101) planning watersheds (CalWater V2.2).

Environmental Finding: The project will not have a significant adverse effect on the environment.

Lead Agency: North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A, Santa Rosa, California 95403
phone: (707) 576-2220 - fax: (707) 523-0135

Other Agencies Who's Approval May be Required: None

Public Hearings: April 24-25, 2006, at the Veterans Memorial Building, 10th and H Streets in Eureka, California; and May 8, 2006, at the Fountain

Grove Inn and Conference Center, Camelot Room, 101
Fountaingrove Parkway, Santa Rosa, California

Attachments:

Initial Study; and Proposed Orders No. R1-2006-0040 and R1-2006-0041, **Waste Discharge Requirements for Timber Harvesting Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company in the Freshwater Creek Watershed**

How to Submit Comments: There were two comment periods for this project: June 29, 2005, to August 8, 2005; and March 10, 2006, to March 24, 2006. For more information contact: Mark Neely at (707) 576-2689, or mneely@waterboards.ca.gov.