

North Coast Regional Water Quality Control Board

Order No. R1-2012-0085

Extension of Limited Term Amendment Order No. R1-2011-0038,  
to NTMP Provisions of Order No. R1-2009-0038,  
Categorical Waiver of Waste Discharge Requirements for  
Discharges Related to Timber Harvest Activities on  
Non-Federal Lands in the North Coast Region

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. On March 24, 2011, the Regional Water Board adopted Order No. R1-2011-0038, *Limited Term Amendment to NTMP Provisions of Order No. R1-2009-0038, Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (referred to as the Limited Term Amendment).
2. The Limited Term Amendment stayed, until February 1, 2012, provisions of Order No. R1-2009-0038, including Section I(E), Section III, and application procedures contained in Section II as applicable to Non Industrial Timber Management Plans (NTMP). During the stay, the conditions and provisions from the 2004 Waiver (Order R1-2004-0016) apply to NTMP landowners seeking coverage under the waiver. All other sections of Order No. R1-2009-0038 remained unchanged and in effect.
3. The limited Term Amendment was extended by Regional Water Board Order No. R1-2012-0010 on January 19, 2012. The new expiration date is August 23, 2012.
4. The intent of the Limited Term Amendment is to evaluate the adequacy of the Forest Practice Rules to protect water quality within NTMPs, including the application of the new Anadromous Salmonid Protection rules, which went in effect January 2010.
5. Regional Water Board staff has made significant progress with several investigations in collaboration with Department of Forestry and Fire Protection; however, additional time is needed to assimilate and evaluate collected data in order to formulate an effective recommendation to the Regional Water Board.
6. The Regional Water Board staff investigations are not complete and without an extension, the new NTMP provisions of the 2009 Waiver would be re-instated on August 23, 2012.

7. Consequently, a short term extension/renewal of the existing Limited Term Amendment is necessary and appropriate. It is the intent of Regional Water Board staff to complete ongoing discussions with landowners, foresters, focus groups, and CALFIRE and to bring a final resolution for Regional Water Board consideration as early as December 2012 but no later than the March 2013 Board meetings.
8. The Limited Term Amendment only suspended the NTMP provisions of the 2009 Timber Waiver to 2004 protection levels. In the interim, the Regional Water Board retains all its authorities under the Water Code to address discharges of waste from NTMPs during this interim time period, including enforcement actions, requesting reports of waste discharge for individual sites, and authority to deny or terminate coverage under the Timber Waiver, as appropriate. For these reasons, a temporary extension of the Limited Term Amendment is in the public interest and consistent with the Water Quality Control Plan for the North Coast Region (Basin Plan).
9. In accordance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the temporary extension of the Limited Term Amendment is a "project" and Regional Water Board is the lead agency responsible for approving that project. Section 15061(b)(3) of the CEQA Guidelines (section 15000 et seq of title 14 of the California Code of Regulations) allows a lead agency to find a project exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The temporary time extension of the Limited Term Amendment will not have any effect on the environment because the environmental baseline, against which the Regional Water Board considers the environmental impacts of a project, includes the protections provided by the previous waiver. There is no possibility that the project will have a significant effect on the environment, and it is, therefore, exempt from CEQA.
10. The Regional Water Board has notified interested parties of its intent to extend the Limited Term Amendment through August 2012. The Regional Water Board, in a public meeting on August 23, 2012, heard and considered all comments pertaining to this amendment.

**IT IS HEREBY ORDERED**, that

The Limited Term Amendment (Order No. R1-2011-0038), as amended is extended to March 30, 2013.

I, Matthias St. John, 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, North Coast Region, on August 23, 2012.

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Matthias St. John  
Executive Officer

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