

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Wednesday, November 18, 2015
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

ITEM: 2

SUBJECT: Public workshop for Draft Order No. R1-2016-0004, Waste Discharge Requirements and General Water Quality Certification for Nonpoint Source Discharges and Other Controllable Water Quality Factors Related to Timber Harvesting and Associated Activities Conducted by Humboldt Redwood Company, LLC in the Upper Elk River Watershed, Humboldt County

BOARD ACTION: This is an informational workshop only. No action will be taken by the Regional Water Board at the workshop.

BACKGROUND: The Elk River, one of the primary tributaries of Humboldt Bay and an important salmon spawning and rearing habitat, has been utilized for rural residential, grazing and timber harvesting since the 1850s. In 1997, the Regional Water Board and other state agencies began to receive reports from downstream residents of increased turbidity, channel filling, and flood frequency. In December 1997, California Department of Forestry and Fire Protection (CAL FIRE), California Department of Fish and Wildlife (DFW, then California Department of Fish and Game), California Geological Survey (CGS) and the Regional Water Board determined, based on field observations and aerial photograph data, that the Elk River Watershed was one of five watersheds owned by PALCO that were significantly cumulatively impacted by sediment discharges following the large storm events in late 1996 and early 1997. Elk River was identified in 1998 as impaired due to excessive sedimentation/siltation and was subsequently placed on the federal Clean Water Act section 303(d) list.

In 2008, Humboldt Redwood Company, LLC (HRC) acquired all of PALCO's timberlands, including approximately 22,000 acres in the Elk River watershed. All Regional Water Board Orders that pertain to HRC's current activities were originally issued to PALCO and amended by Order No. R1-2008-0100 to reflect HRC's ownership of the former PALCO holdings.

Nonpoint source discharges from HRC's timber harvesting and associated activities are currently regulated under Order No. R1-2006-0039, Elk River Watershed-specific Waste Discharge Requirements (WWDR) issued by the Regional Water Board in 2006

to the Pacific Lumber Company, the previous landowner. Among other requirements, the WWDR includes receiving water limitations on peak flow increases and sediment discharge from harvest-related landslides, and rate of harvest limitations based on two scientific models.

DISCUSSION: The existing WWDR is not tailored to the management practices of HRC, and does not comprehensively address HRC's obligations for cleanups and TMDL implementation. It needs to be updated to reflect current conditions and provide a more comprehensive and readable permit. In addition, the remaining requirements for erosion control from Cleanup and Abatement Orders for HRC's timberlands in the North and South Fork of Elk River will be incorporated in this Order for a more efficient management of related monitoring and reporting.

The draft Order is informed by the *Upper Elk River Technical Analysis for Sediment* (Tetra Tech, 2015) and overwhelming evidence pointing to the lack of assimilative capacity in Elk River. On September 22, 2015, HRC submitted to the Regional Water Board a report of waste discharge (ROWD), which describes its overall management plan in the Elk River watershed. Regional Water Board staff have reviewed the ROWD and on October 21, 2015, sent HRC a letter acknowledging the ROWD is complete. While the ROWD has been deemed complete, it is not considered fully adequate to meet all water quality requirements associated with Elk River, and Regional Water Board and HRC staff will continue to work to resolve remaining concerns such as harvest rates and riparian prescriptions. The Order provides for implementation of rigorous best management practices (BMP) prepared with the collaboration and cooperation of HRC, some that vary according to the sediment loading risk of subwatersheds. It provides a five year interim program where HRC will refrain from timber harvest activity in high risk subwatersheds to allow time for stewardship efforts to move forward and improve conditions in the impacted reach. The WDR establishes enforceable general and specific requirements, including:

- Limits on the harvesting intensity and areal extent of timber harvesting;
- Methods to prevent sediment discharge from road use, construction, reconstruction, decommissioning, repair and maintenance;
- Methods to prevent sediment discharge from landslides by implementation of hillslope prescriptions designed to minimize impacts to slope stability and review by Professional Geologist of all proposed harvesting and road construction or reconstruction;

- Inventory and treatment of controllable sediment discharge sources from roads, skid trails, landslides, and other sources related to timberland management;
- Retention and protection of riparian vegetation to preserve and restore shade, prevent increases in solar radiation, and meet the temperature objective;
- In-stream and riparian zone restoration;
- A monitoring and reporting program that includes watershed trend monitoring, annual work plans describing HRC's planned activities for each upcoming year, and an annual summary report of activities conducted during the previous year.

The formal 45-day public comment period for the draft Order and Mitigated Negative Declaration will begin no later than December 4, 2015. The Regional Water Board anticipates holding the public hearing to consider adoption of the draft Order at its March 10, 2016 meeting.

SIGNIFICANT
CHANGES: NA

RECOMMENDATION: NA

SUPPORTING
DOCUMENTS:

1. Draft Order No. R1-2016-0004
Attachment A – Map
Attachment B – *Elk River Sediment Technical Analysis* (Tetra Tech, 2015)
Attachment C – Master Sediment Reduction and Master Treatment Schedule
Attachment D – HRC's Report of Waste Discharge
2. Notice of Public Workshop, Draft Order No. R1-2016-0004