

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.

- 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 <b>30 days</b> 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 may 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<sup>1</sup> 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

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<sup>1</sup> 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<sup>2</sup> 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:

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<sup>2</sup> 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.

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| <p><b>Category 5: CAL FIRE approved Plans<br/>(including Timber Harvest Plans, Non-Industrial Timber Management Plans, other Plans, and Amendments)</b></p> |
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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<sup>3</sup> 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

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<sup>3</sup> 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.

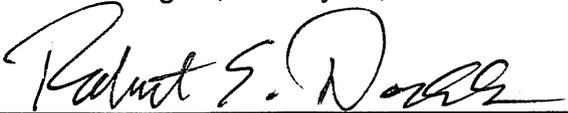
(22) Pursuant to Water Code section 13267, upon completion of activities dischargers must request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Project Completion Form.

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.

  
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

## Definitions and List of Acronyms

### Conditional Waiver of Waste Discharge Requirements for Timber Harvest and Vegetation Management Activities

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| <b>100-YEAR FLOODPLAIN</b> | <p>areas determined based on delineations completed or approved by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, or an individual qualified to make floodplain delineations. If these agencies have not completed formal delineations the Water Board staff may agree to the use of best professional judgment; field verification by staff may be needed. These areas include land adjacent to waterbodies that extend to the outer perimeter of lands which experience flooding or are inundated with water during 100-year flood events. At a minimum, dischargers shall designate the 100-year floodplain area to encompass the bed and bank of any ephemeral drainage course. If other indicators are present such as wet vegetation on terraces, or other high water indicators, such as stranded debris, these should also be taken into consideration. For cases of unconfined channels, other indicators may need to be considered.</p> <p>Within the Lake Tahoe Hydrologic Unit 100-year floodplains are sometimes, but not always, included within Stream Environment Zones (SEZs), as defined below. A floodplain only qualifies as SEZ if other secondary indicators of a SEZ are present. If a 100-year floodplain is considered a SEZ, the SEZ prohibitions and exemption criteria apply. (Basin Plan Section 5.7).</p> |
| <b>BROADCAST BURNING</b>   | <p>means the use of fire to achieve ecological or fuel reduction benefits. It does not include burning of organic matter which is piled during mechanical site preparation or the ignition of 'burn piles' as defined below.</p>  |
| <b>BURN PILE</b>           | <p>means hand and machine constructed piles of organic materials (e.g., slash, branches, limbs, stumps, biomass) intended for burning.</p>  |
| <b>CRITICAL DIP</b>        | <p>means a low point, or overflow structure, in the road near or at a watercourse crossing designed to prevent the diversion of high flows in the event that the crossing or culvert becomes plugged or flow capacity is exceeded. To be properly installed, critical dips should be on the downhill side of a crossing.</p>  |

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| <b>DISCHARGER(S)</b>                     | means the landowner(s), duly authorized representative of the landowner, and anyone working on behalf of the landowner in the conduct of timber harvest and vegetation management; includes any city, county, district, the state, and the United States, to the extent authorized by federal law (Water Code section 13050, subdivision c). |
| <b>DRY SOILS</b>                         | means soils are dry, loose, and will not form a ball with pressure (i.e., squeezed into a ball by hand).   |
| <b>EFFECTIVENESS MONITORING</b>          | means visual evaluation of management measures (e.g., erosion control, water body buffer zones, waterbreaks, critical dips) following the winter period (between March 15 and June 15) to determine the effectiveness of the measures in preventing sediment discharge to waterbodies.   |
| <b>FEDERAL FORESTRY PROFESSIONAL</b>     | means a person employed by the federal government meeting the requirements of the Federal Forestry Series (GS-460) of the U.S. Office of Personnel Management.   |
| <b>FORENSIC MONITORING</b>               | means visual monitoring of surface waters (e.g., lakes and streams) and Waterbody Buffer Zones to identify evidence of sediment delivery and/or locate sources of sediment delivery (or potential delivery) to a waterbody so that corrective actions may be taken to prevent or reduce sediment discharges to waterbodies.                  |
| <b>FUEL BREAK</b>                        | A strip of hand or machine modified land surface designed to stop the progress of a prescribed fire or wildfire.   |
| <b>GROUND-BASED EQUIPMENT OPERATIONS</b> | includes tractor, vehicle, equipment, and heavy equipment operations. Does not include work conducted by hand crews, helicopter, or cable yarding.   |
| <b>HAND CREW OPERATIONS</b>              | means cutting vegetation with a chainsaw or hand saw and manually piling material onsite or removing material with the use of motorized equipment limited to existing roads (except chippers and/or brush mowers). Includes prescribed burning and the construction of fuel breaks.  |
| <b>HARD-FROZEN SOIL CONDITIONS</b>       | means frozen soil conditions where operated vehicles, tractors, and equipment can travel without sinking into soil, road, or landing surfaces to a depth of more than two inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.                                      |

|                                      |  |
|--------------------------------------|--|
| <b>PESTICIDES</b>                    | means, for the purposes of this Timber Waiver, to include herbicides, insecticides, fungicides, and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi, or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code section 12753, and Basin Plan Chapter 3).  |
| <b>IMPLEMENTATION MONITORING</b>     | means visual monitoring of project areas (including roads, stream crossings, landings) to ensure all management practices designed to prevent sediment delivery and protect water quality (e.g., erosion control measures, riparian buffers, waterbreaks, critical dips) are in place and secure prior to the winter period, and at the conclusion of winter operations if winter operations occur.  |
| <b>LANDING</b>                       | means that area where forest products are concentrated prior to additional processing or removal from site.  |
| <b>PRESCRIBED FIRE</b>               | means the implementation of a written prescription to burn a designated area under specified environmental conditions. May include broadcast burning or pile burning.  |
| <b>PROJECT</b>                       | means any “timber harvest and/or vegetation management activity” (as defined below).   |
| <b>NATURAL RESOURCE PROFESSIONAL</b> | means a person with a bachelor’s degree or higher in a biological, ecological, or other relevant science (e.g., soils, hydrology, botany, fisheries) and at least six months of relevant experience. This person is not a substitute for a Registered Professional Forester when one is required by state or federal code or regulation.   |
| <b>SATURATED SOIL CONDITIONS</b>     | <p>means that site conditions are sufficiently wet that timber operations displace soils in yarding or mechanical site preparation areas or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters (as defined in the Forest Practice Rules), or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements.</p> <p>In yarding and site preparation areas, this condition may be evidenced by: (a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, (b) inadequate traction without blading wet soil, (c) soil displacement in amounts that cause visible increase in</p> |

|                                |   |
|--------------------------------|---|
|                                | <p>turbidity of the downstream waters in a receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or (d) creation of ruts greater than would be normal following a light rainfall.</p> <p>On logging roads and landing surfaces, this condition may be evidenced by (a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, (b) inadequate traction without blading wet soil, (c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, (d) pumping of road surface materials by traffic, or (e) creation of ruts greater than would be created by traffic following normal road watering, which transports surface material to a drainage facility that discharges directly into a watercourse.</p> <p>Soils or road and landing surfaces that are hard frozen are excluded from this definition. (California Code of Regulations, title 14, section 895.1.).</p> |
| <p><b>SITE PREPARATION</b></p> | <p>means any activity involving mechanical disturbance of soils or burning of vegetation which is performed during or after completion of timber harvesting and is associated with preparation of any portion of a logging area for artificial or natural regeneration. (California Code of Regulations, title 14, section 895.1.)</p>  |
| <p><b>SKID TRAIL</b></p>       | <p>means constructed trails or established paths used by tractors or other vehicles for skidding logs. Also known as tractor roads. (California Code of Regulations, title 14, section 895.1.)</p>  |
| <p><b>STABILIZED</b></p>       | <p>means exposed soils and unstable areas have been treated in such a manner that there is low risk of such soils discharging to a waterbody via runoff, slumping, or wind erosion. Appropriate treatment can vary and can include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• cover with mulch (weed free straw, slash, etc.), rocks, tarp, etc.</li> <li>• relocation of excess material to an area that is stable, well drained, isolated from wet areas or watercourses, and where wind exposure is limited</li> <li>• sloping back excess material to a stable angle</li> <li>• hydroseeding, seeding and/or planting</li> <li>• temporary construction erosion control measures (e.g., fiber rolls, silt fences, erosion control blankets, tarps)</li> </ul> <p>Note: Minimization of soil disturbance and soil stabilization (as</p>  |

|  |  |
|--|--|
|  | <p>described above) are the best and most cost-effective method of preventing sediment delivery. Trying to capture sediment once it is dislodged is much more difficult, costly, and is less likely to succeed.</p>  |
| <p><b>STREAM ENVIRONMENT ZONE (SEZ)</b><br/>(A term only used within the Lake Tahoe Hydrologic Unit)</p> | <p>means biological communities that owe their characteristics to the presence of surface waters or a seasonal high groundwater table. The criteria used for field identification and delineation of SEZs are unique to the Lake Tahoe Hydrologic Unit and are described below.</p> <p>The following criteria are used by both the Water Board and the Tahoe Regional Planning Agency (TRPA). A Stream Environment Zone is determined to be present if any one of the following key indicators is present, or in the absence of a key indicator, if any three of the following secondary indicators are present. Soil types are discussed in Volume I of the TRPA's Water Quality Management Plan for the Lake Tahoe Region. Plant communities are identified in accordance with the definitions and procedures contained in the report entitled <i>Vegetation of the Lake Tahoe Region, A Guide for Planning</i> (TRPA 1971).</p> <p><b>1. Key Indicators:</b></p> <ul style="list-style-type: none"> <li>(a) Evidence of surface water flow, including perennial, ephemeral, and intermittent streams, but not including rills or man-made channels; or</li> <li>(b) Primary riparian vegetation; or</li> <li>(c) Near surface groundwater; or</li> <li>(d) Lakes or ponds; or</li> <li>(e) Beach (Be) soils; or</li> <li>(f) One of the following alluvial soils:             <ul style="list-style-type: none"> <li>(i) Elmira loamy coarse sand, wet variant (Ev)</li> <li>(ii) Marsh (Mh).</li> </ul> </li> </ul> <p><b>2. Secondary Indicators:</b></p> <ul style="list-style-type: none"> <li>(a) Designated floodplain</li> <li>(b) Groundwater between 20-40 inches</li> <li>(c) Secondary riparian vegetation</li> <li>(d) One of the following alluvial soils:             <ul style="list-style-type: none"> <li>(i) Loamy alluvial land (Lo), or</li> <li>(ii) Celio gravelly loamy coarse sand (Co), or</li> <li>(iii) Gravelly alluvial land (Gr).</li> </ul> </li> </ul> <p>TRPA's official land capability maps shall be used to identify SEZs initially, but are subject to field verification in every instance.</p> |

|  |   |
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|  | <p>The boundary of a SEZ is the outermost limit of the key indicators; the outermost limit where three secondary indicators coincide; or if Lo, Co or Gr soils are present, the outermost limit where two secondary indicators coincide, whichever establishes the widest SEZ at any point. The outermost boundaries of a stream are the bank-full width of such stream which is defined as the level of frequent high flow, i.e., the level of flood with a recurrence interval of approximately 1.5 years. Other definitions of terms used in the criteria above are given in Table 5.7-1 of the Water Board's Basin Plan, and pages 10 – 12 of the TRPA Water Quality Management Plan for the Lake Tahoe Region.</p> <p>Note that SEZs can include bodies of open water as well as wet meadows without defined stream channels. SEZs are generally identical with Bailey land capability Class 1b lands (See TRPA Water Quality Management Plan for the Lake Tahoe Region).</p> <p>This definition is subject to change if the TRPA amends the definition or criteria for SEZs and such changes or amendments are approved by the California State Water Resources Control Board. (Basin Plan Section 5.7)</p> |
| <b>STRUCTURE</b>   | <p>means an approved and legally permitted existing structure (such as residential or commercial building) that complies with the California Building Code (or which pre-dates the building code). Does not include existing roads, power lines, or trails.</p>   |
| <b>TARGET SPECIES</b>                                      | <p>means vegetation and/or tree species that are deliberately selected for removal, reduction, or management to accomplish the project's intended purpose, as specified in the project application, Plan or other submittal.</p>  |
| <b>TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES</b> | <p>means all activities related to the management of vegetation for the purposes of fuel reduction; forest thinning; and/or environmental improvement (such as forest enhancement, riparian enhancement, and aspen stand enhancement); prescribed burning; cutting or removal of trees and vegetation, together with all the work incidental thereto, including, but not limited to, construction, reconstruction, maintenance, and decommissioning of roads, fuel breaks, stream crossings, landings, skid trails, or beds for the falling of trees; burned area rehabilitation, hazard tree removal; site preparation that involves disturbance of soil, burning of vegetation, or herbicide/pesticide application. Activities do not include aquatic vegetation management, preparatory tree marking, surveying, or road flagging.</p>   |

|                              |  |
|------------------------------|--|
| <b>TRIGGER</b>               | is a quantifiable target or value that represents a measurement below or before a significant negative impact occurs, so that if the trigger value is reached (e.g. measured soil disturbance), operations causing the discharge are stopped and alternative actions taken.  |
| <b>UNDEVELOPED LOT</b>       | means parcels without buildings or structures, up to three acres in size, that are interspersed in areas of <u>existing</u> urban land uses (e.g., residential, commercial or industrial uses). Undeveloped lots include such parcels owned by public agencies within a recognized urban or community boundary.  |
| <b>UNSTABLE AREAS</b>        | are characterized by slide areas or unstable soils or by some or all of the following: hummocky topography consisting of rolling bumpy ground, frequent benches, and depressions; short irregular surface drainages begin and end on the slope; tension cracks and head wall scarps indicating slumping are visible; slopes are irregular and may be slightly concave in upper half and convex in lower half as a result of previous slope failure; there may be evidence of impaired ground water movement resulting in local zones of saturation within the soil mass which is indicated at the surface by sag ponds with standing water, springs, or patches of wet ground. Some or all of the following may be present: hydrophytic (wet site) vegetation prevalent; leaning, jackstrawed or split trees are common; pistol-butted trees with excessive sweep may occur in areas of hummocky topography (note: leaning and pistol butted trees should be used as indicators of slope failure only in the presence of other indicators). (California Code of Regulations, title 14, section 895.1.) |
| <b>WATERBODY</b>             | means “waters of the state” as defined in Water Code section 13050 and includes any surface water and ground water, including, but not limited to, any natural or manmade waterbody, including lakes, ponds, springs, and watercourses. Class I, Class II, Class III, Class IV, and Unclassified Waterbodies are defined in Attachment B.  |
| <b>WATERBODY BUFFER ZONE</b> | means a strip of land, along all sides of a waterbody, where additional avoidance measures and management practices are required for protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources, and for controlling erosion. Please refer to Attachment B for further explanation.  |

|                      |  |
|----------------------|--|
| <b>WATERBREAK</b>    | Means a ditch, dike, or dip, or a combination thereof, constructed diagonally across logging roads, skid trails, and fuel breaks so that runoff flow is interrupted and effectively diverted to discharge to non-erodible or vegetated areas that will not result in delivery of sediment to a waterbody. Also known as waterbars. |
| <b>WATERCOURSE</b>   | means any well-defined channel with distinguishable bed and bank showing evidence of having contained flowing water indicated by deposit of rock, sand, gravel, or soil. Watercourse also includes manmade watercourses (California Code of Regulations, title 14, section 895.1.).  |
| <b>WINTER PERIOD</b> | means the period between November 15 and ends April 1. Within the Lake Tahoe, Little Truckee River and Truckee River Hydrologic Units, the winter period is between October 15 and May 1.  |

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.), unless specified otherwise. Definitions contained in Water Code Section 13050(d) controls for the purpose of the Timber Waiver.

### LIST OF ACRONYMS

|                |  |
|----------------|--|
| BMPEP.....     | Best Management Practices Evaluation Program (U.S. Forest Service) |
| CAL FIRE ..... | California Department of Forestry and Fire Protection              |
| CEQA .....     | California Environmental Quality Act                               |
| CWPP .....     | Community Wildfire Protection Plan                                 |
| ELZ.....       | Equipment Limitation Zone  |
| NPDES .....    | National Pollutant Discharge Elimination System                    |
| NTHP .....     | Nonindustrial Timber Management Plan                               |
| PRC .....      | Public Resources Code  |
| RPF .....      | Registered Professional Forester                                   |
| SEZ .....      | Stream Environment Zone (Lake Tahoe Hydrologic Unit Only)          |
| SMZ .....      | Streamside Management Zone   |
| THP.....       | Timber Harvest Plan  |
| TRPA .....     | Tahoe Regional Planning Agency                                     |

Attachment B  
California Regional Water Quality Control Board  
Lahontan Region

Determining Width of  
**Waterbody Buffer Zones**

**Conditional Waiver of Waste Discharge Requirements  
for Timber Harvest and Vegetation Management Activities**

The Timber Waiver contains conditions with specific equipment operation limitations and protections near waterbodies. Areas subject to these limitations and protections are called "Waterbody Buffer Zones."

One way to classify waterbodies is to categorize them as watercourses which tend to have permeable beds which connect surface waters to groundwater. A perennial stream is expected to flow throughout the year, albeit with only small dry-weather flows in some cases. An intermittent stream ceases to flow in dry periods. The flow may occur when the groundwater table is seasonally high, but there will not be flow when the groundwater table is significantly below the stream channel bed level. An ephemeral stream flows only after rain or snow-melt and has no base flow component. Because it may be difficult at times to determine when a watercourse is responding to specific groundwater conditions, this Timber Waiver classifies waterbodies by biological habitat and ability to transport sediment, as defined in the California Code of Regulations, title 14 (2009 Forest Practice Rules) Watercourse and Lake Protection Zones (WLPZs). See Table B1, below.

Waterbody Buffer Zones are similar to the U.S. Forest Service concept of a "Streamside Management Zone" (SMZ), which is a zone adjacent to waterbodies designated for special management controls aimed at protection and improvement of water quality. Unlike WLPZs, universal widths for SMZs are not specified, but developed on a project-specific basis taking into account factors such as stream class, channel aspect and stability, sideslope steepness, and slope stability. For clarity and conciseness, this Waiver uses the generic term Waterbody Buffer Zone (instead of WLPZ or SMZ) to identify Waiver-specific setback distances and to recognize that not all timber harvest and vegetation management activities regulated by this Timber Waiver are subject to the Forest Practice rules, or conducted by the U.S. Forest Service on U.S. Forest Service Lands.

Water Board staff will accept documents and timber waiver applications that use terminology other than "Waterbody Buffer Zones" as long as such zones or areas will not be smaller than the Waterbody Buffer Zones defined in Table B1, Waterbody Buffer Zone Widths. Such terminology may include Streamside Management Zone (SMZ), Riparian Conservation Area (RCA), and Watercourse and Lake Protection Zone (WLPZ).

Buffer Zone Designations for Class I and II Waters

Buffer Zone widths for Class I and II waters are equivalent to those in the 2009 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1, "Procedures for Determining Watercourse and Lake Protection Zone Widths and Protective Measures [All Districts]."

**Buffer Zone Designations for Class III and IV Waters**

This waiver specifies the Water Body Buffer Zones for Class III and IV Waters in Table B1, below.

**Measuring Buffer Zone Widths**

Waterbody Buffer Zones must be measured along the surface of the ground from the watercourse or lake transition line (as defined in the 2009 Forest Practice Rules) or in the absence of riparian vegetation from the top edge of the watercourse bank (2009 Forest Practice Rules, California Code of Regulations, title 14, section 916.4, subdivision (b)(3)). The slope of the land adjacent to the waterbody must be measured from the watercourse or lake transition line to a point 100 feet upslope, or, in the absence of riparian vegetation, from the top of the waterbody bank. Where slope steepness varies along a slope, a weighted average method shall be used to determine the sideslope percent (2009 Forest Practice Rules, California Code of Regulations, title 14, section 916.5, subdivision (a)(3)).

**Table B1. Waterbody Buffer Zone Widths**

| <b><u>TYPE OF WATERBODY:</u></b>  | <b><u>DEFINITION:</u></b>  |   |                           |       |         |           |          |        |                       |
|---|--|---|---------------------------|-------|---------|-----------|----------|--------|-----------------------|
| <b>Class I</b>  | (1) Domestic supplies, including springs, on site and/or within 100 feet downstream of the operations area, and/or<br>(2) Fish always or seasonally present onsite, includes habitat to sustain fish migration and spawning.<br>Reference: 2009 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, table 1 |   |                           |       |         |           |          |        |                       |
| <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th data-bbox="516 1224 922 1297"><b>Slope of land adjacent to watercourse or lake:</b></th> <th data-bbox="922 1224 1232 1297"><b>Buffer Zone width:</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="516 1297 922 1350" style="text-align: center;">&lt; 30%</td> <td data-bbox="922 1297 1232 1350" style="text-align: center;">75 feet</td> </tr> <tr> <td data-bbox="516 1350 922 1402" style="text-align: center;">30 – 50 %</td> <td data-bbox="922 1350 1232 1402" style="text-align: center;">100 feet</td> </tr> <tr> <td data-bbox="516 1402 922 1455" style="text-align: center;">&gt; 50 %</td> <td data-bbox="922 1402 1232 1455" style="text-align: center;">150 feet<sup>1</sup></td> </tr> </tbody> </table> <p style="text-align: center;"><sup>1</sup> Subtract 50 feet width for cable yarding operations</p> <p>Reference: 2009 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, table 1</p> |  | <b>Slope of land adjacent to watercourse or lake:</b> | <b>Buffer Zone width:</b> | < 30% | 75 feet | 30 – 50 % | 100 feet | > 50 % | 150 feet <sup>1</sup> |
| <b>Slope of land adjacent to watercourse or lake:</b>   | <b>Buffer Zone width:</b>  |   |                           |       |         |           |          |        |                       |
| < 30%   | 75 feet  |   |                           |       |         |           |          |        |                       |
| 30 – 50 %   | 100 feet   |   |                           |       |         |           |          |        |                       |
| > 50 %  | 150 feet <sup>1</sup>  |   |                           |       |         |           |          |        |                       |

|                                  |                           |
|----------------------------------|---------------------------|
| <b><u>TYPE OF WATERBODY:</u></b> | <b><u>DEFINITION:</u></b> |
|----------------------------------|---------------------------|

|                 |   |
|-----------------|---|
| <b>Class II</b> | <p>(1) Fish always or seasonally present offsite within 1000 feet downstream, and/or</p> <p>(2) Aquatic habitat for nonfish aquatic species.</p> <p>(3) Excludes Class III waters that are tributary to Class I waters.</p> <p>Reference: 2009 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, table 1</p> |
|-----------------|---|

| Slope of land adjacent to watercourse or lake: | Buffer Zone width:    |
|--|-----------------------|
| < 30%  | 50 feet               |
| 30 – 50 %                                      | 75 feet               |
| > 50 %   | 100 feet <sup>2</sup> |

<sup>2</sup> Subtract 25 feet width for cable yarding operations

Reference: 2009 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, table 1

|                  |   |
|------------------|---|
| <b>Class III</b> | <p>No aquatic life present, waterbody showing evidence of being capable of sediment transport to Class I and II waters under normal high water flow conditions.</p> <p>Reference: 2009 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, table 1</p> |
|------------------|---|

| Slope of land adjacent to watercourse or lake: | Buffer Zone width: |
|--|--------------------|
| < 30 %   | 25 feet            |
| ≥ 30 %   | 50 feet            |

|                                  |                           |
|----------------------------------|---------------------------|
| <b><u>TYPE OF WATERBODY:</u></b> | <b><u>DEFINITION:</u></b> |
|----------------------------------|---------------------------|

| <b>Class IV</b>   | <p>Man-made waterbodies, usually downstream, established domestic, agricultural, hydroelectric supply, or other beneficial use.<br/>Reference: 2009 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, table 1</p> |  |                    |        |         |        |         |
|---|--|--|--------------------|--------|---------|--------|---------|
| <table border="1" style="margin: auto;"> <thead> <tr> <th style="width: 50%;">Slope of land adjacent to watercourse or lake:</th> <th style="width: 50%;">Buffer Zone width:</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">&lt; 30 %</td> <td style="text-align: center;">25 feet</td> </tr> <tr> <td style="text-align: center;">≥ 30 %</td> <td style="text-align: center;">50 feet</td> </tr> </tbody> </table> |  | Slope of land adjacent to watercourse or lake: | Buffer Zone width: | < 30 % | 25 feet | ≥ 30 % | 50 feet |
| Slope of land adjacent to watercourse or lake:  | Buffer Zone width:   |  |                    |        |         |        |         |
| < 30 %  | 25 feet  |  |                    |        |         |        |         |
| ≥ 30 %  | 50 feet  |  |                    |        |         |        |         |

|                     |   |
|---------------------|---|
| <b>Unclassified</b> | <p>Has channel with evidence of having concentrated flowing water indicated by deposit of rock, sand, gravel, or soil. No aquatic life is present, shows no evidence of being capable of sediment transport to a higher order waterbody (Class I, II, or III). These features may have riparian plant communities present.</p> <p>No standard buffer zone width is designated. However timber harvest and vegetation management activities must be excluded from within the channel zone, except for use and maintenance of existing roads and crossings.</p> |
|---------------------|---|

## Category 4 Application Form and Monitoring and Reporting Program

|   |
|---|
| For Water Board staff use only;<br><br>WDID # _____<br><br>Date of Receipt: _____<br><br>Lead Water Board<br>Staff: _____<br>Contact #: _____ |
|---|

### Conditional Waiver of Waste Discharge Requirements for Timber Harvest and Vegetation Management Activities

*Please type or print clearly in ink*

**1. Activity Name:** (Enter name given, if any)

**Plan Number:** (If regulated by CAL FIRE, enter the number of the plan or exemption/emergency notice assigned to the activity if available. If a CAL FIRE number is not available, but the activity will proceed under an exemption or emergency, please state "CAL FIRE Exemption" or "CAL FIRE Emergency" in this box.)

**County:**

**2. Landowner's Contact Information:** (If there is more than one landowner, list their contact information in an addendum to this form.)

|   |                            |           |
|---|----------------------------|-----------|
| Name of individual, company, or agency: |                            |           |
| Company or agency contact:              |                            |           |
| Address:                                |                            |           |
| City:                                   | State:                     | Zip Code: |
| Phone:                                  | E-mail address (optional): |           |

**3. Name and Phone Number of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

|       |        |
|-------|--------|
| Name: | Phone: |
| Name: | Phone: |

**If information requested in this form is included in existing documents or plans those documents may be used to substitute for information specifically requested in this form. These documents must be submitted to the Water Board and specifically referenced (by page number) within this application.**

**4. Summary of Activity Information:**

|                                      |  |
|--------------------------------------|--|
| Total Activity Area Size (in acres): | Silvicultural prescription(s) or activity purpose: |
|--------------------------------------|--|

Indicate type of yarding system(s) and equipment proposed for use (if any):

| <u>Ground Based:</u>  | <u>Cable:</u>                               | <u>Special:</u>                     |
|---|---|-------------------------------------|
| <input type="checkbox"/> Tractor, including end/long lining | <input type="checkbox"/> Cable, ground lead | <input type="checkbox"/> Hand crew  |
| <input type="checkbox"/> Rubber tired skidder, Forwarder    | <input type="checkbox"/> Cable, high lead   | <input type="checkbox"/> Masticator |
| <input type="checkbox"/> Feller buncher                     | <input type="checkbox"/> Cable, skyline     | <input type="checkbox"/> Chipper    |
|   |   | <input type="checkbox"/> Other:     |

**5. Waterbody Classification:** What types of waterbodies exist within the activity area? (Information on waterbody classification is provided in Attachment B.) Check all that apply:

|                                   |                                       |  |
|-----------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Class I  | <input type="checkbox"/> Class II     | <input type="checkbox"/> Class III                 |
| <input type="checkbox"/> Class IV | <input type="checkbox"/> Unclassified | <input type="checkbox"/> None within activity area |

**6. Specific Activity Information:**

|  |                             |  |
|--|-----------------------------|--|
| <input type="checkbox"/> Yes*  | <input type="checkbox"/> No | Do existing roads and landings proposed for use exhibit signs of erosion or instability, including rills, gullies, or tension cracking?  |
| <b>*If you answered yes to the above question, answer the following:</b> |                             |  |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> No | Could this erosion or instability result in sediment delivery to a waterbody? If yes, describe mitigation measures that will be implemented to stop the delivery of sediment to waterbodies, or drainage structures that drain to waterbodies: |
| (attach additional pages if necessary)                                   |                             |  |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> No | Do the activities include the repair or reconstruction of watercourse crossings? If yes, briefly explain what work is planned and where:   |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> No | Do the activities include the repair or reconstruction of roads? If yes, briefly explain what work is planned and where:   |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> No | Are equipment operations within the winter period anticipated?   |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> No | Do the proposed timber harvest and vegetation management activities include prescribed fire?   |

**7. Timber Harvest and Vegetation Management Activities within Waterbody Buffer Zones:**

Describe what activities (e.g., timber removal, operation of equipment, chipping, prescribed fire) are planned within Waterbody Buffer Zones:

(attach additional pages if necessary)

**8.  Yes  No Do you anticipate the need to apply pesticides (as defined in Attachment A) to the activity area?**

or  
 Unknown

If yes, please notify the Water Board staff in an addendum to this form, or in a separate notice, at least 30 days prior to the proposed application. See Condition 16 of the Timber Waiver on page 19.

**9. Map of Activity Area:** To complete your application, include a USGS 7.5 minute topographic (or equivalent or greater scale) map that clearly indicates the information listed below. Map(s) that have been created as part of a CEQA, or other planning document, may substitute for creating an individual map for this application provided they meet the above scale requirements and include the information listed below.

- The activity area boundary.
- The relative location of the activity to a nearby city, town, or landmark.
- Location of private and public roads to be used within the activity area. Include the location of private and public roads that will be used to access the activity areas from a paved county, state, municipal, or federal road. Label the name or number of each road and indicate if such roads are under the ownership or control of the land owner or manager. (The appurtenant roads may be shown on a separate map which may be planimetric with a smaller scale.)
- Location of proposed timber harvest and vegetation management activities (including skid trails) within Waterbody Buffer Zones.
- Identify areas for possible landing construction.
- Location of all existing watercourse crossings.
- Approximate location of dry Class III watercourse crossings.
- Location of proposed temporary over-snow skid trail watercourse crossings (if known).
- Location, classification, and name (if applicable) of all waterbodies within the activity area. (Information on waterbody classification is provided in Attachment B.) Complete the following if the activity area does not include a waterbody:

|   |
|---|
| Name of nearest downstream waterbody:   |
| Classification:   |
| Distance from activity boundary:  |
| Where is the downstream waterbody located relative to the activity area?<br>(e.g., southwest, etc.) |

**10. Request for modified monitoring and reporting program:** Subject to approval by the Executive Officer, you may request to modify, reduce, or remove monitoring and/or reporting conditions for your activity. Your request must include a description of what you are proposing and why it is warranted for your activity.

You are required to monitor and report according to the standard conditions and forms of this Timber Waiver until you receive approval for your modified plan by the Executive Officer.

If requesting modified monitoring and reporting, provide description and justification here or in an addendum.

|  |
|--|
|  |
|--|

For Water Board staff use only:  
Executive Officer Approval with signature:

**11. Certification:**

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of Category 4 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029.

|                       |       |
|-----------------------|-------|
| Signature:            | Date: |
| Printed name & title: |       |

## Monitoring and Reporting Program

Pursuant to Water Code section 13267, visual monitoring and semi-annual reporting are required for all activities that proceed under Category 4 of the Timber Waiver.

### Implementation Monitoring:

**Fall Implementation Monitoring:** Review Attachment G for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **January 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

**Daily Winter-Period Monitoring:** Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by **July 15**.

**Winter Implementation Monitoring:** Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

### Photo-Point Monitoring:

Photo-point monitoring (as described in Attachment L) is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during application review, agency consultation, or site visit).

- Reconstruction of a bridge crossing over a watercourse
- Reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

## Category 4 Implementation Monitoring Form

This form and associated monitoring must be completed before the winter period and submitted to the Water Board by January 15 as long as the project is covered under the Timber Waiver

**and**

at the conclusion of operations and submitted to the Water Board with the required Notice of Completion Form (Attachment M)

*Please type or print clearly in ink*

**Implementation monitoring** consists of visual monitoring of activity areas, roads, stream crossings, landings, etc., to ensure all management practices designed to prevent sediment delivery and protect water quality (e.g., erosion control measures, riparian buffers, waterbreaks, critical dips) are in place and secure. Pursuant to Water Code section 13267, this form, or an alternate form or report containing equivalent information, must be submitted by **January 15**.

1. **Activity Name:**

2. **WDID Number:**

3. This monitoring is being completed because:  
 Timber harvest and vegetation management activities have been completed and this monitoring is being conducted to satisfy the monitoring required for termination of Timber Waiver Coverage. Operations were completed on: \_\_\_\_\_  
 Timber harvest and vegetation management activities have commenced prior to the winter period of this year and monitoring is required to ensure necessary management measures have been implemented prior to the onset of winter weather.

4. **Inspector's name and title:**

**Date of inspection:**

5. **All landings within the activity area:** Inspected:  None within plan area:

Yes  No **Are all landings adequately stabilized to prevent sediment delivery to a surface water?** (e.g., are all waterbreaks properly installed)

Additional notes:

6. **All skid trails:** Inspected:  None within plan area:

Yes  No **Are all skid trails adequately stabilized to prevent sediment delivery to a surface water?** (e.g., are all waterbreaks properly installed)

Additional notes:

**7. All roads:**

Inspected:

None within plan area:

Yes No **Are all roads segments** (including those used for timber operations within the plan area, and roads appurtenant to operations where such roads are under the ownership or control of the landowner or manager) **adequately stabilized to prevent sediment delivery to a surface water?**

Additional notes:

**8. All Watercourse Crossings:**

Inspected:

None within plan area:

Yes No **Have all watercourse crossings and associated fills and approaches been stabilized to prevent diversion of stream overflow down the road and to minimize fill erosion and delivery to a waterbody if the drainage structure became plugged?**

Yes No **Are all necessary critical dips properly installed?** (A properly installed critical dip, or other overflow structure, should be on the downhill side of all crossings.)

Yes No **Is there any risk of stream diversion during a high runoff event?**

Yes No **Is road runoff disconnected before it reaches the watercourse crossing?** (For example, are waterbreaks (i.e., rolling dips or waterbars) placed on the approaches to the crossing so that runoff and sediment is filtered prior to potential discharge to a waterbody? It may be impossible to disconnect all of the road drainage from the watercourse. However, the length of road draining to the stream should be kept to a minimum.)

Yes No **Are all fill slopes adequately armored or stabilized?**

Yes No **Are all watercourse crossings** (including culverts) **clear of debris** (so as to prevent plugging or diversion)?

Yes No N/A **Have all over-snow skid trail watercourse crossings been removed such that the natural flow of water within the watercourse channel will not be obstructed or diverted?** (All temporary fills should be excavated to form a channel that is as close as feasible to the natural watercourse grade and width without disturbing watercourse bed or banks)

Additional notes on watercourse crossings within the plan area:

(attach additional pages if necessary)

**9. Yes No Does chipped material exceed an average depth of two inches, with a maximum depth of four inches, within Waterbody Buffer Zones?**

**10. Yes No Have constructed fuel breaks been adequately stabilized (i.e., have effective waterbreaks been constructed)?**

11. Yes No **Did you observe any signs of sediment delivery or potential sediment delivery (e.g., failed stream banks, rills, gullies, unstabilized spoils, tension cracks) within the activity area?**

If yes, please describe the sediment sources (and their location) and what corrective measures have been taken, or are planned, to prevent impacts to water quality and to maintain compliance with the Timber Waiver:

(attach additional pages if necessary)

12. Any other additional notes regarding implementation monitoring, or the activity area in general:

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, and all eligibility criteria and conditions for Category 4 of the Timber Waiver. If any deviation from the submittals to the Water Board, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., Do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

## Categories 4 and 6 Daily Winter Period Monitoring Program

*Daily Monitoring only required during days of equipment operation  
during the winter period*

Pursuant to 13267 of the California Water Code, daily monitoring is required for all activities covered under Category 4 or 6 of the Timber Waiver for days of tractor, vehicle, or equipment operation within the winter period (as defined in Attachment A).

This monitoring program consists of daily completion of the following checklist, and has been developed to assure compliance with the Water Quality Control Plan for the Lahontan Region (Basin Plan) and to verify the adequacy and effectiveness of the Timber Waiver conditions and eligibility criteria pursuant to Water Code section 13269, subdivision (a)(2).

In the interest of not requiring redundant monitoring during extended dry periods, daily monitoring is only required beginning with the first National Weather Service forecast of 30% chance of precipitation (<http://www.nws.noaa.gov/>). If 7 days of dry weather persists and soils are dry after a precipitation event you may cease monitoring until next time National Weather Service forecasts a 30% chance of precipitation.

Accumulated monitoring data must be retained by the discharger and submitted **July 15** of every year.

Note: This form will also be available in Spanish at <http://www.waterboards.ca.gov/lahontan/>

# Category 4 and 6 Daily Winter Operations Monitoring Checklist

This checklist must be completed daily when equipment is operated during the winter period

Example

WDID Number: \_\_\_\_\_

Inspector's name & Title: \_\_\_\_\_

Signature: \_\_\_\_\_

|   |       |  |  |  |  |  |  |  |  |  |  |  |
|---|-------|--|--|--|--|--|--|--|--|--|--|--|
| Day of operation:   | 10/17 |  |  |  |  |  |  |  |  |  |  |  |
| Field condition:<br>dry soil <sup>1</sup> , hard-frozen <sup>2</sup> , or over snow <sup>3</sup> :                | Dry   |  |  |  |  |  |  |  |  |  |  |  |
| Is any precipitation forecasted within the next 36 hours? (Y/N)   | N     |  |  |  |  |  |  |  |  |  |  |  |
| Average depth of accumulated or machine compacted snow in area of operations:                                     | N/A   |  |  |  |  |  |  |  |  |  |  |  |
| If operating over the snow or over hard-frozen soil conditions: Was soil disturbance observed today? <sup>4</sup> | N/A   |  |  |  |  |  |  |  |  |  |  |  |
| Inspector's Initials  | JD    |  |  |  |  |  |  |  |  |  |  |  |

<sup>1</sup> **Over dry soil conditions:** Soils are dry (i.e., loose and will not form a ball when squeezed by hand) to a depth of one foot.

<sup>2</sup> **Over hard-frozen soil conditions:** soils and road surfaces in areas of equipment operations are solidly frozen to a depth sufficient to support the weight of operating equipment.

<sup>3</sup> **Over snow:** Snow depth is sufficient to allow the operation of equipment without resulting in visible disturbance of soils.

<sup>4</sup> If soil disturbance is observed: Detail when, where, and why these disturbances occurred and what corrective actions were taken to prevent impacts to water quality. **Retain this information within the monitoring file. If a discharge of sediment to a waterbody has occurred you must contact Water Board staff within 24 hours of detection at (530)542-5400.**

# Category 5 Application Form and Monitoring and Reporting Program

for  
CAL FIRE – Approved Plans

## Conditional Waiver of Waste Discharge Requirements for Timber Harvest and Vegetation Management Activities

*Please type or print clearly in ink*

|                                  |
|----------------------------------|
| For Water Board staff use only;  |
| WDID # _____                     |
| Date of Receipt: _____           |
| Lead Water Board<br>Staff: _____ |
| Contact #: _____                 |

1. **Plan Name:**

**CAL FIRE Issued Plan Number:**

2. **Name and Phone Number of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

|       |        |
|-------|--------|
| Name: | Phone: |
| Name: | Phone: |

I, the Landowner, or agent thereof, hereby agree to meet the conditions and eligibility criteria of Category 5 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Plans located in the Lake Tahoe or Truckee River Hydrologic Units Only:

If your plan includes any of the following activities within the 100-year floodplain and/or stream environment zone, please contact Water Board staff immediately to discuss required submittals and to initiate the public announcement/review (10 days) required prior to Water Board staff review and approval:

- enlargement of existing permanent watercourse crossings on existing roads
- construction of temporary roads
- construction of temporary watercourse crossings to remain in place longer than one season
- construction of skid trails
- pile burning
- conventional equipment operated off-road in SEZs or floodplains

Review Attachment N for more information on how Water Board policies may apply to your proposed activities. Please contact Water Board staff as soon as possible if you are planning any timber harvest or vegetation management activities within the 100-year floodplain or stream environment zone within the Lake Tahoe or Truckee River Hydrologic Units.

## Monitoring and Reporting Program

Pursuant to Water Code section 13267 visual monitoring and semi-annual reporting are required for all activities that proceed under Category 5 of the Timber Waiver.

### Implementation Monitoring:

**Fall Implementation Monitoring:** Review Attachment G for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **January 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

**Winter Implementation Monitoring:** Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

### Forensic and Effectiveness Monitoring:

Forensic and effectiveness monitoring is required if **any** of the following conditions exist within the plan. If none of these conditions exist, then only Implementation monitoring is required.

- Construction or re-construction of watercourse crossings over Class I, II or Class IV (with domestic use) watercourses
- Ground based equipment operations within waterbody buffer zone(s) beyond an existing road prism
- Winter operations
- Road construction or re-construction within 150 feet of a Class I, II or IV (with domestic use) waterbody
- Landing construction or re-construction within waterbody buffer zone(s)
- Ground-based equipment operations in areas classified High or Extreme Erosion Hazard Rating
- Ground-based equipment operations on slopes over 50 percent
- Ground-based equipment operations on slopes over 30 percent in the Lake Tahoe Basin

**Forensic Monitoring:** Review Attachment I for monitoring required after significant rain events. This monitoring must be reported to the Water Board by **July 15** of each year.

**Effectiveness Monitoring:** Review Attachment J for monitoring required at the end of the winter period each year. This monitoring must be reported to the Water Board by **July 15**.

### Photo-Point Monitoring:

Photo-point monitoring (as described in Attachment L) is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during the interdisciplinary review team process or site visit).

- Construction or reconstruction of a bridge crossing over a watercourse
- Construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

### Request for modified monitoring and reporting program:

Subject to approval by the Executive Officer, you may request to modify, reduce, or remove monitoring and/or reporting conditions for your plan. Your request must include a description of what you are proposing and why it is warranted for your plan.

## Fall Implementation Monitoring Form

### Categories 5, and 6

**This form and associated monitoring must be completed  
before the winter period (as defined in Attachment A)  
and submitted to the Water Board by January 15**

*Please type or print clearly in ink*

**Fall implementation monitoring** is visual monitoring of timber harvest and vegetation management areas, roads, stream crossings, landings, etc., to ensure all management practices designed to prevent sediment delivery and protect water quality (such as erosion control measures, riparian buffers, water bars, critical dips) are in place and secure prior to the winter period (as defined in Attachment A). Fall implementation monitoring and reporting is required every year for the duration of the activity and until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff. This complete form or report containing equivalent information must be submitted in accordance with the requirements of this monitoring and reporting program.

Fall implementation monitoring is required for activities that proceed under Category 5 or 6 until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff.

1. **Activity/Plan Name:**

2. **WDID Number:**

3.  Yes  No Have timber harvest and vegetation management activities under this activity/plan commenced?

If **yes**, please complete this form and associated monitoring.

If **no**, when are operations anticipated to begin (if known)? \_\_\_\_\_

If operations have not commenced by November 15, you are not required to complete the remainder of this form, please sign the landowner signature box at the bottom of page 5, and submit to the Water Board by January 15.

4. **Inspector's name and title:**

**Date of inspection:**

**All of the following sites (sections 5 – 16) must be inspected before the Winter Period, or indicated as not present within the activity area:**

5. **Watercourse crossings:** Inspected:  None within area:

Yes  No **Have all watercourse crossings and associated fills and approaches been constructed or reconstructed to prevent diversion of stream overflow down the road and to minimize fill erosion and delivery to a waterbody if the drainage structure became plugged?**

Yes  No **Are all necessary critical dips properly installed?** (A properly installed critical dip, or other overflow structure, should be on the downhill side of all crossings.)

Yes  No **Is there any risk of stream diversion during a high runoff event?**

- Yes   No   **Is road runoff disconnected before it reaches the watercourse crossing?**  
(For example, are waterbreaks (i.e., rolling dips or waterbars) placed on the approaches to the crossing so that runoff and sediment is filtered prior to potential discharge to a waterbody? It may be impossible to disconnect all of the road drainage from the watercourse. However, the length of road draining to the stream should be kept to a minimum.)
- Yes   No   **Are all fill slopes adequately armored?**
- Yes   No   **If road surfacing (e.g., rock aggregate) is to be used near or at the watercourse crossing, is it done to the specification listed in the approved plan?** (At the minimum, rocking should be done at the size, depth, and extent listed in the approved plan.)
- Yes   No   **Are culverts clear of debris?**
- Yes   No   **Have all constructed or reconstructed watercourse crossings been installed and armored to prevent sediment discharge?** (e.g., by channel erosion, inlet scour, and road fill erosion)
- Yes   No   **Do all Class I watercourse crossings allow for fish passage?**
- Yes   No   **Have all temporary (seasonal) watercourse crossings been removed?** (All temporary fill should be excavated to form a channel that is as close as feasible to the natural watercourse grade and orientation, and that is wider than the natural channel.)

Additional notes on watercourse crossings within the activity area:

**6. Water diversions and watering holes:**

Inspected:

None within area:

Additional notes on water diversions and watering holes within the activity area:

**7. All roads:**

Inspected:

None within area:

- Yes   No   **Are all roads** (permanent, seasonal, or temporary road segments used for timber operations within the activity area, and roads appurtenant to operations where such roads are under the ownership or control of the landowner or manager) **adequately stabilized to prevent sediment delivery to a waterbody?**

Additional notes on road segments within the activity area:

**8. All existing and constructed landings:**

Inspected:

None within area:

|   |                             |   |
|---|-----------------------------|---|
| <input type="checkbox"/> Yes  | <input type="checkbox"/> No | <b>Are all landings adequately stabilized (as defined in Attachment A) to prevent sediment delivery to a waterbody?</b> |
| Additional notes on existing and constructed landings within the activity area: |                             |   |

**9. All existing and constructed skid trails:**

Inspected:

None within area:

Yes    No   **Are all skid trails adequately stabilized to prevent sediment delivery to a waterbody? (e.g., are all water bars properly installed)**

|  |
|--|
| Additional notes on existing and constructed skid trails within the activity area: |
|--|

**10. Status of all known or suspected landslides near roads, streams, or ground-based equipment operations:**

Inspected:

None within area:

Additional notes landslides within the activity area:

|   |
|---|
| Additional notes landslides within the activity area: |
|---|

**11. All unstable areas:**

Inspected:

None within area:

Yes    No   **Were unstable areas avoided during timber harvest and vegetation management activities? (Unless allowed in the approved plan, make sure that timber harvest and vegetation management activities did not occur in unstable areas.)**

Yes    No   **If timber harvest and vegetation management activities are permitted within unstable areas, have all site-specific mitigations listed within the approved plan been implemented?**

Additional notes on unstable areas within the activity area:

|  |
|--|
| Additional notes on unstable areas within the activity area: |
|--|

**12. Recommendations made by Water Board staff during the pre-harvest inspection:**

Inspected:

None within area:

(if not covered elsewhere in this report)

Yes

No

**Were all written recommendations made by Water Board staff in the pre-harvest inspection report implemented?**

Additional notes on recommendations made by Water Board staff:

**13.  Yes  No Have all management practices (e.g., riparian buffers, erosion control measures, water bars, critical dips) been implemented to prevent sediment delivery to surface waters?**

If not, please explain what corrective measures will be taken to maintain compliance with the Timber Waiver and to prevent impacts to water quality:

(attach additional pages if necessary)

**14.  Yes  No Did you observe any signs of sediment delivery or potential sediment delivery (e.g., failed stream banks, rills, gullies, unstabilized spoils) within the activity area?**

If so, please describe the sediment sources, and what corrective measures will be taken to maintain compliance with the Timber Waiver and to prevent impacts to water quality:

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., Do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

## Winter Implementation Monitoring Form

### Categories 4, 5, and 6

This form and associated monitoring must be completed at the conclusion of winter operations, or by April 1, whichever is sooner, and submitted to the Water Board by July 15

*Please type or print clearly in ink*

Winter implementation monitoring is only required if you conducted winter period operations, and consists of visual monitoring of areas where winter operations have occurred. This inspection should verify all management measures designed to prevent sediment delivery and protect water quality are in place and secure at the conclusion of winter operations.

1. Activity/Plan Name:

2. WDID Number:

3. Inspector's name and title:

Date of inspection:

4. Yes No **Have all watercourse crossings and associated fills and approaches been constructed or reconstructed to prevent diversion of stream overflow and to minimize fill erosion and delivery to a waterbody if the drainage structure becomes plugged?** If no, please explain in an addendum to this form how stream diversion or obstruction and/or sediment delivery to a watercourse will be prevented.

5. Yes No **Have all necessary critical dips been properly installed?** If no, please explain in an addendum to this form why they have not been installed and/or when they will be installed.

6. Yes No Not applicable to this activity **Have all temporary over-snow skid trail watercourse crossings been removed without disturbing soils or damaging watercourse bed or banks?** If no, please explain in an addendum to this form what actions have been taken to resolve watercourse bed or bank disturbance, or when temporary crossings will be removed.

7. Yes No Not applicable to this activity **Has all snow movement, plowing, packing, and/or cutting associated with timber harvest and vegetation management activities allowed for adequate road drainage and dissipation of snowmelt or runoff?** If no, please explain in an addendum to this form why road drainage and runoff dissipation is inadequate, and when it will be resolved.

8.  Yes  No  Not applicable to this activity **Have all culverts and drainage structures been cleared of debris, packed snow, and ice?** If no, please explain in an addendum to this form why, and when this work will be implemented.

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the submittals to the Water Board, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., Do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

## Forensic Monitoring Form

### Categories 5 and 6

**This form and associated monitoring must be completed soon after two significant rain (> 2 inches) and/or snow-melt events and submitted annually to Water Board by July 15**

*Please type or print clearly in ink*

**Forensic monitoring:** is conducted soon after significant rain or snow-melt events and consists of visual monitoring of:

- surface waters
- watercourse crossings
- landings
- unstable areas
- roads
- waterbody buffer zones
- skid trails

The purpose of this monitoring is to:

- (1) detect elevated turbidity levels in surface waters, and locate sources of sediment discharges;
- (2) determine the condition of installed management measures,
- (3) detect failure to implement necessary management measures,
- (4) detect water quality impacts caused by failed management measures,
- (5) detect water quality impacts related to legacy timber activities and general timber harvest and vegetation management activities; and
- (6) identify sources of potential sediment delivery in a timely manner so that corrective action may be taken to avoid sediment discharges to water bodies.

This monitoring must be conducted at least twice each year and reported on July 15 for the duration of timber harvest and vegetation management activities and until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff. This form or report containing equivalent information must be completed and signed.

Forensic monitoring is required for activities that proceed under Category 5 or 6 until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff.

**Activity Name:**

**WDID Number:**

Yes  No Have timber harvest and vegetation management activities commenced?

If **yes**, please complete this form and associated monitoring.

If **no**, when are operations anticipated to begin (if known)? \_\_\_\_\_

If operations have not commenced by May 1, you are not required to complete the remainder of this form, please sign the landowner signature box at the bottom of page 8 and submit to the Water Board by July 15<sup>th</sup>.

## Inspection #1

Within 36 hours of a significant rain (>2 inches in 24 hours) or snow-melt event inspect accessible areas and waterbodies immediately downstream of operations and complete the following:

1. **Inspector's name and title:**

2. **Date of inspection:**

3. **Weather Observations and Precipitation Levels:**

(Some of this information may be obtained at the following webpage: <http://water.weather.gov/>)

|   |   |                                  |                                   |                               |                                   |
|---|---|----------------------------------|-----------------------------------|-------------------------------|-----------------------------------|
| Stream Stage<br>(select one):   | <input type="checkbox"/> Dry  | <input type="checkbox"/> Low     | <input type="checkbox"/> Moderate | <input type="checkbox"/> High | <input type="checkbox"/> Flooding |
| Precipitation<br>(select one):  | <input type="checkbox"/> None   | <input type="checkbox"/> Drizzle | <input type="checkbox"/> Rain     | <input type="checkbox"/> Snow |                                   |
| Date of and<br>approximate<br>amount of last<br>precipitation:  | (This information may be obtained at the following webpage: <a href="http://water.weather.gov/">http://water.weather.gov/</a> ) |                                  |                                   |                               |                                   |
| Accumulated precipitation this<br>season:   | _____ inches of   |                                  | <input type="checkbox"/> Rain     | <input type="checkbox"/> Snow |                                   |
| (This information may be obtained at the following webpage: <a href="http://water.weather.gov/">http://water.weather.gov/</a> ) |   |                                  |                                   |                               |                                   |
| Additional notes on weather and precipitation:  |   |                                  |                                   |                               |                                   |

**Inspect all the following areas and infrastructure (sections 4-10) within the activity area if accessible.**

Use the space following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, or if they were not accessible for inspection.

Look for signs of erosion and transport of sediment to a waterbody. These signs may include:

- landsliding
- erosion voids
- tension cracking or settling of road fill or sidecast
- rilling or gully of road surfaces, road fills, landings, cutbanks, etc.
- increased levels of sediment/turbidity in waterbodies immediately downstream of operations

Use the space following each area listed below to indicate if evidence of sediment erosion or delivery to a waterbody are observed.

If evidence of sediment erosion and delivery to a waterbody are observed:

- Identify the waterbody and describe specific locations within or adjacent to the waterbody.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.
- Report discharges by telephone (530) 542-5400 no later than 24 hours after detection.

If increased levels of sediment/turbidity are observed in neighboring waterbodies:

- Describe where and in which waterbody.
- Explain if this turbidity is a result of sediment discharges from within the activity area. Is the sediment coming from a hillslope feature such as a stream crossing or unstable area? Cause-and-effect can be determined if the water becomes noticeably muddy below a hillslope feature.
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.

If any erosion or failed management measures cause sediment delivery to a waterbody, then photo-point monitoring is required using the Photo-Point Monitoring Form (Attachment L).

**Forensic monitoring requirements are waived if significant environmental impacts would result from road system use to access the activity area, or if worker safety would be compromised.** If these areas are not accessible for monitoring, please indicate why. Acceptable reasons may include:

- Significant environmental impacts would result from road system use to access the activity area or waterbodies immediately downstream of operations.
- Worker safety would be compromised.

4. Areas where timber harvest and vegetation management activities have been conducted within or near unstable areas.

|  |
|--|
| <input type="checkbox"/> none exist    |
| (attach additional pages if necessary) |

5. Constructed or re-constructed watercourse crossings.

|  |
|--|
| <input type="checkbox"/> none exist    |
| (attach additional pages if necessary) |

6. Waterbody Buffer Zones where ground based equipment operations have occurred (e.g., skid trail crossings).

|  |
|--|
| <input type="checkbox"/> none exist    |
| (attach additional pages if necessary) |

**7. Road construction or reconstruction within 150 feet of a Class I, II, or IV (with domestic use) watercourse.**

none exist

(attach additional pages if necessary)

**8. Landing construction or reconstruction within waterbody buffer zone(s).**

none exist

(attach additional pages if necessary)

**9. Areas classified as high or extreme erosion hazard rating where ground-based equipment has been operated and there is potential for water quality impacts.**

none exist

(attach additional pages if necessary)

**10. Areas of in-lieu practices that have the potential to impact water quality.**

none exist

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_

## Inspection #2

Within 36 hours of a significant rain (>2 inches in 24 hours) or snow-melt event inspect accessible areas and waterbodies immediately downstream of operations and complete the following:

1. **Inspector's name and title:**

2. **Date of inspection:**

3. **Weather Observations and Precipitation Levels:**

(Some of this information may be obtained at the following webpage: <http://water.weather.gov/>)

|   |                               |                                  |                                   |                               |                                   |
|---|-------------------------------|----------------------------------|-----------------------------------|-------------------------------|-----------------------------------|
| Stream Stage<br>(select one):   | <input type="checkbox"/> Dry  | <input type="checkbox"/> Low     | <input type="checkbox"/> Moderate | <input type="checkbox"/> High | <input type="checkbox"/> Flooding |
| Precipitation<br>(select one):  | <input type="checkbox"/> None | <input type="checkbox"/> Drizzle | <input type="checkbox"/> Rain     | <input type="checkbox"/> Snow |                                   |
| Date of and approximate amount of last precipitation: _____<br>(This information may be obtained at the following webpage: <a href="http://water.weather.gov/">http://water.weather.gov/</a> )  |                               |                                  |                                   |                               |                                   |
| Accumulated precipitation this season: _____ inches of <input type="checkbox"/> Rain <input type="checkbox"/> Snow<br>(This information may be obtained at the following webpage: <a href="http://water.weather.gov/">http://water.weather.gov/</a> ) |                               |                                  |                                   |                               |                                   |
| Additional notes on weather and precipitation:<br><br><br>  |                               |                                  |                                   |                               |                                   |

**Inspect all the following areas and infrastructure (sections 4-10) within the activity area if accessible.**

Use the space following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, or if they were not accessible for inspection.

Look for signs of erosion and transport of sediment to a waterbody. These signs may include:

- landsliding
- erosion voids
- tension cracking or settling of road fill or sidecast
- rilling or gullyng of road surfaces, road fills, landings, cutbanks, etc.
- increased levels of sediment/turbidity in waterbodies immediately downstream of operations

Use the space following each area listed below to indicate if evidence of sediment erosion or delivery to a waterbody are observed.

If evidence of sediment erosion and delivery to a waterbody are observed:

- Identify the waterbody and describe specific locations within or adjacent to the waterbody.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.
- Report discharges by telephone (530) 542-5400 no later than 24 hours after detection.

If increased levels of sediment/turbidity are observed in neighboring waterbodies:

- Describe where and in which waterbody.
- Explain if this turbidity is a result of sediment discharges from within the activity area. Is the sediment coming from a hillslope feature such as a stream crossing or unstable area? Cause-and-effect can be determined if the water becomes noticeably muddy below a hillslope feature.
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.

If any erosion or failed management measures cause sediment delivery to a waterbody, then photo-point monitoring is required using the Photo-Point Monitoring Form (Attachment L).

**Forensic monitoring requirements are waived if significant environmental impacts would result from road system use to access the activity area, or if worker safety would be compromised.** If these areas are not accessible for monitoring, please indicate why. Acceptable reasons may include:

- Significant environmental impacts would result from road system use to access the activity area or waterbodies immediately downstream of operations.
- Worker safety would be compromised.

4. Areas where timber harvest and vegetation management activities have been conducted within or near unstable areas.

|  |
|--|
| <input type="checkbox"/> none exist    |
| (attach additional pages if necessary) |

5. Constructed or re-constructed watercourse crossings.

|  |
|--|
| <input type="checkbox"/> none exist    |
| (attach additional pages if necessary) |

6. Waterbody Buffer Zones where ground based equipment operations have occurred (e.g., skid trail crossings).

|  |
|--|
| <input type="checkbox"/> none exist    |
| (attach additional pages if necessary) |

**7. Road construction or reconstruction within 150 feet of a Class I, II, or IV (with domestic use) watercourse.**

none exist

(attach additional pages if necessary)

**8. Landing construction or reconstruction within waterbody buffer zone(s).**

none exist

(attach additional pages if necessary)

**9. Areas classified as high or extreme erosion hazard rating where ground-based equipment has been operated and there is potential for water quality impacts.**

none exist

(attach additional pages if necessary)

**10. Areas of in-lieu practices that have the potential to impact water quality.**

none exist

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., Do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

## Effectiveness Monitoring Form

### Categories 5 and 6

**This form and associated monitoring must be completed soon after the winter period, between March 15 and June 15, and submitted to Water Board by July 15**

*Please type or print clearly in ink*

**Effectiveness monitoring:** is a visual evaluation of management measures (e.g., erosion control structures) and infrastructure (e.g., roads and watercourse crossings) within the activity area following the winter period, typically between March 15 and June 15, to determine the effectiveness of implemented management measures in preventing sediment discharge to surface waters and protecting water quality, and to identify any points of sediment delivery that may have developed during the winter. Effectiveness monitoring and reporting is required annually for the duration of the timber harvest and vegetation management activities and one spring season following completion of timber harvest and vegetation management activities.

As soon as possible, following the winter period, inspect the activity area and complete this form or report containing equivalent information. However, do not access the site if soils are saturated, if significant environmental impacts would result from road system use, or if worker safety would be compromised.

Management measures are considered to be effective if they result in no significant pollution or have little risk of significant pollution. The landowner should focus on the following areas and inspect them for signs of sediment delivery to watercourses.

1. **Activity/Plan Name:**

**WDID Number:**

2. **Inspector's name and title:**

**Date of inspection:**

3. **Weather Observations and Precipitation Levels:** Complete the following based on site-specific observations and/or local weather data.

Accumulated precipitation this season: \_\_\_\_\_ inches of  Rain  Snow

(This information may be obtained at the following webpage: <http://water.weather.gov/>)

Additional notes on weather and precipitation:

**Inspect all the following areas and infrastructure** (sections 4-10) **within the activity area once conditions allow.**

Use the box spaces following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, or if they were not accessible for inspection.

During your inspection look for signs of erosion and transport of sediment to a waterbody. These signs may include:

- Landsliding
- erosion voids
- tension cracking or settling of road fill or sidecast
- rilling or gullyng of road surfaces, road fills, landings, cutbanks, etc.
- increased levels of sediment in waterbodies immediately downstream of operations

Use the box spaces following each area listed below to indicate if evidence of sediment erosion or delivery to a waterbody are observed.

If evidence of sediment erosion and delivery of waste to waterbodies are observed:

- Describe where.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.

If any evidence of failed management measure is observed:

- Describe what management practice failed and its location within the activity area.
- Describe what and when corrective measures will be taken to stop and/or prevent sediment delivery and protect water quality.

**4. Constructed or re-constructed watercourse crossings.**

(attach additional pages if necessary)

**5. Landing management measures.**

(attach additional pages if necessary)

**6. Areas of in-lieu practices that have the potential to impact water quality.**

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Invitation for feedback:** Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., Do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

|                                  |
|----------------------------------|
| For Water Board staff use only;  |
| WDID # _____                     |
| Date of Receipt: _____           |
| Lead Water Board<br>Staff: _____ |
| Contact #: _____                 |

## Category 6 Application Form and Monitoring and Reporting Program Conditional Waiver for Timber Harvest and Vegetation Management Activities

*Please type or print clearly in ink*

**1. Activity Name:** (Enter name given to activity, if any)

**CAL FIRE Number:** (If regulated by CAL FIRE, enter the number of the plan or exemption/emergency notice assigned to the activity if available. If a CAL FIRE number is not available, but the activities will proceed under an exemption or emergency, please state "CAL FIRE Exemption" or "CAL FIRE Emergency" in this box.)

**County:**

**2. Landowner's Contact Information:** (If there is more than one landowner, list their contact information in an addendum to this form.)

|   |                            |           |
|---|----------------------------|-----------|
| Name of individual, company, or agency: |                            |           |
| Company or agency contact:              |                            |           |
| Address:                                |                            |           |
| City:                                   | State:                     | Zip Code: |
| Phone:                                  | E-mail address (optional): |           |

**3. RPF, Federal Forestry Professional, or Natural Resource Professional Contact Information:**

|          |                            |           |
|----------|----------------------------|-----------|
| Name:    | RPF License Number:        |           |
| Address: |                            |           |
| City:    | State:                     | Zip Code: |
| Phone:   | E-mail address (optional): |           |

**4. Name and Phone Number of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

|       |        |
|-------|--------|
| Name: | Phone: |
| Name: | Phone: |

**If information requested in this form is included in existing documents or plans those documents may be used to substitute for information specifically requested in this form. These documents must be submitted to the Water Board and specifically referenced (by page number) within this application.**

**5. Summary of Activity Information:**

|                                      |  |
|--------------------------------------|--|
| Total Activity Area Size (in acres): | Silvicultural prescription(s) or activity purpose: |
|--------------------------------------|--|

Indicate type of yarding system(s) and equipment proposed for use (if any):

| <u>Ground Based:</u>  | <u>Cable:</u>                               | <u>Special:</u>                             |
|---|---|---|
| <input type="checkbox"/> Tractor, including end/long lining | <input type="checkbox"/> Cable, ground lead | <input type="checkbox"/> Hand crew          |
| <input type="checkbox"/> Rubber tired skidder, Forwarder    | <input type="checkbox"/> Cable, high lead   | <input type="checkbox"/> Masticator/Chipper |
| <input type="checkbox"/> Feller buncher                     | <input type="checkbox"/> Cable, skyline     | <input type="checkbox"/> Helicopter         |
|   |   | <input type="checkbox"/> Other:             |

**6. Waterbody Classification:** What types of waterbodies exist within the activity area? (Information on waterbody classification is provided in Attachment B.) Check all that apply:

|                                   |                                       |  |
|-----------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Class I  | <input type="checkbox"/> Class II     | <input type="checkbox"/> Class III                 |
| <input type="checkbox"/> Class IV | <input type="checkbox"/> Unclassified | <input type="checkbox"/> None within activity area |

**7. Prescribed fire:**

Yes  No

**Do the proposed activities include prescribed fire?**

If yes, summarize the purpose and method of the burn prescription, including design features or mitigation measures to reduce impacts to less than significant:

(attach burn plan or additional pages if necessary)

If the prescribed burning described above is the only reason why your planned activities are not eligible under Category 4, you do not need to proceed with the rest of this application.

**8. Specific Activity Information:**

|   |  |
|---|--|
| <input type="checkbox"/> Yes* <input type="checkbox"/> No                       | Do existing roads and landings proposed for use exhibit signs of erosion or instability, including rills, gullies, or tension cracking?  |
| <b>*If you answered yes to the above question, please answer the following:</b> |  |
| <input type="checkbox"/> Yes <input type="checkbox"/> No                        | Could this erosion or instability result in sediment delivery to a waterbody? If yes, describe mitigation measures that will be implemented to stop the delivery of sediment to waterbodies, or drainage structures that drain to waterbodies: |
| (attach additional pages if necessary)  |  |

**9. Provide activity information below as required in conditions 4 and 5 on pages 23 and 24 of the Timber Waiver:**

|  |
|--|
|  |
| (attach additional pages if necessary) |

Yes   No   **Are operations within the winter period (as defined in Attachment A) proposed?**

|  |
|--|
| If yes, what management practices have been incorporated to prevent soil disturbance and sediment delivery to waterbodies? |
| (attach additional pages if necessary)   |

Yes   No   **Do you anticipate the need to apply pesticides (as defined in Attachment A) to the activity area?**

or  
Unknown

If yes, please notify the Water Board staff in an addendum to this form, or in a separate notice, at least 30 days prior to the proposed application. See Condition 21 of the Timber Waiver on page 26.

**10. Map of Activity Area:** To complete your application, include a USGS 7.5 minute topographic (or equivalent or greater scale) map that clearly indicates the information listed below. Map(s) that have been created as part of a CEQA or other planning document, may substitute for creating an individual map for this application provided they meet the above scale requirements and include the information listed below. Ensure these maps have been submitted to the Water Board and provide all the required information.

- The activity area boundary.
- The relative location of the activities to a nearby city, town, or landmark.
- Location of private and public roads to be used within the activity area. Include the location of private and public roads that will be used to access the activity areas from a paved county, state, municipal, or federal road. Label the name or number of each road and indicate if such roads are under the ownership or control of the land owner or manager. (The appurtenant roads may be shown on a separate map which may be planimetric with a smaller scale.)
- Location of road failures on existing roads proposed for reconstruction.
- Location of proposed operations within Waterbody Buffer Zones.
- Location of proposed landing construction or reconstruction where greater than ¼ acre of excavation, grading, or surface clearing will occur or identify areas of possible landing construction.
- Location of all existing and proposed watercourse crossings, except for skid trail watercourse crossings.
- Approximate location of skid trail watercourse crossings.
- Location of erosion hazard rating areas, if more than one rating exists.
- Location of known unstable areas or slides.
- Boundaries of yarding (logging) systems, if more than one system is to be used.
- Location of proposed temporary over-snow skid trail watercourse crossings (if known).
- Location of marshes, meadows, springs, and other wet areas within the activity area.
- Location, classification, and name (if applicable) of all waterbodies within the activity area.

(Information on waterbody classification is provided in Attachment B.) Complete the following if the activity area does not include a waterbody:

|                                       |  |
|---------------------------------------|--|
| Name of nearest downstream waterbody: |  |
| Classification:                       |  |
| Distance from activity boundary:      |  |

**9. Certifications:**

|   |             |
|---|-------------|
| I, the <input type="checkbox"/> Registered Professional Forester, <input type="checkbox"/> Federal Forestry Professional, or <input type="checkbox"/> Natural Resource Professional, hereby certify that the information in sections 7, 8, and 9 of this application accurately represents site conditions and that my assessments made above are true and correct. |             |
| Signature: _____  | Date: _____ |

|  |             |
|--|-------------|
| I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of Category 6 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029. |             |
| Signature: _____   | Date: _____ |
| Printed name & title: _____  |             |

## Monitoring and Reporting Program

Pursuant to Water Code section 13267, visual monitoring and semi-annual reporting are required for all activities that proceed under Category 6 of the Timber Waiver.

### Implementation Monitoring:

**Fall Implementation Monitoring:** Review Attachment G for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **January 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

**Daily Winter-Period Monitoring:** Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by **July 15**.

**Winter Implementation Monitoring:** Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

### Forensic and Effectiveness Monitoring:

Forensic and effectiveness monitoring is required if **any** of the following conditions exist within the plan. If none of these conditions exist, then only Implementation monitoring is required.

- Construction or re-construction of watercourse crossings over Class I, II or Class IV (with domestic use) watercourses
- Ground based equipment operations within waterbody buffer zone(s) beyond an existing road prism
- Winter operations
- Road construction or re-construction within 150 feet of a Class I, II or IV (with domestic use) waterbody
- Landing construction or re-construction within waterbody buffer zone(s)
- Ground-based equipment operations in areas classified High or Extreme Erosion Hazard Rating
- Ground-based equipment operations on slopes over 50 percent
- Ground-based equipment operations on slopes over 30 percent in the Lake Tahoe Basin

**Forensic Monitoring:** Review Attachment I for monitoring required after significant rain events. This monitoring must be reported to the Water Board by **July 15** of each year.

**Effectiveness Monitoring:** Review Attachment J for monitoring required at the end of the winter period each year. This monitoring must be reported to the Water Board by **July 15**.

### Photo-Point Monitoring:

Photo-point monitoring (as described in Attachment L) is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during application review, agency consultation, or site visit).

- Construction or reconstruction of a bridge crossing over a watercourse
- Construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

## Photo-Point Monitoring Form

*To be included with either:  
Fall Implementation,  
Winter Implementation, or  
Winter Forensic and Spring Effectiveness  
Monitoring Submittal*

*Please type or print clearly in ink, and attach all printed photos (labeled) or photos on CD (labeled)*

If required, photo-point monitoring reports (with photos and data sheet) must be submitted with all monitoring reports submitted to the Water Board. Complete sections 1 and 2 of this form once, and submit with your Timber Waiver Application Form.

### 1. Identification of Photo-Point Monitoring Locations:

List all photo-point (PP) monitoring locations below with a brief description of what is located at that particular point (e.g., "Span crossing at Class I watercourse").

Photo-point monitoring locations must include all:

- Locations where span watercourse crossings will be constructed or reconstructed.
- Locations where watercourse crossings will be constructed or reconstructed using a 24-inch or greater diameter culvert.
- Points requested by Water Board staff.

PP #1:

PP #2:

PP #3:

PP #4:

(attach additional pages if necessary)

**All photo-point monitoring locations must also be identified on a map that is included with this form and in the field with rebar, flagging, or other method that will last the duration of timber harvest and vegetation management activities.**

### 2. Photo-Point Monitoring Purpose and Frequency:

To complete required photo-monitoring, photo-point monitoring must be completed for all points:

- prior to initiation of activities at the point
- during fall and winter implementation monitoring
- during forensic monitoring (if water quality problems are observed)
- during effectiveness monitoring.

## Photo-Point Monitoring Data Sheet

1. **Activity Name:**   
**WDID Number:**

**Monitoring Type:**  Pre-Implementation  Forensic  Effectiveness  
 Implementation

**Inspector's name and title:**

**Date of inspection:**

|   |                      |                          |                                |   |                      |
|---|----------------------|--------------------------|--------------------------------|---|----------------------|
| <b>Point No.</b><br>(as indicated on map) | :                    | <input type="text"/>     | <b>Reason point identified</b> | : | <input type="text"/> |
| <b>Date photo taken:</b>                  | <input type="text"/> | <b>Time photo taken:</b> | <input type="text"/>           |   |                      |
| <b>Observations/Notes:</b>                | <input type="text"/> |                          |                                |   |                      |

|   |                      |                          |                                |   |                      |
|---|----------------------|--------------------------|--------------------------------|---|----------------------|
| <b>Point No.</b><br>(as indicated on map) | :                    | <input type="text"/>     | <b>Reason point identified</b> | : | <input type="text"/> |
| <b>Date photo taken:</b>                  | <input type="text"/> | <b>Time photo taken:</b> | <input type="text"/>           |   |                      |
| <b>Observations/Notes:</b>                | <input type="text"/> |                          |                                |   |                      |

|   |                      |                          |                                |   |                      |
|---|----------------------|--------------------------|--------------------------------|---|----------------------|
| <b>Point No.</b><br>(as indicated on map) | :                    | <input type="text"/>     | <b>Reason point identified</b> | : | <input type="text"/> |
| <b>Date photo taken:</b>                  | <input type="text"/> | <b>Time photo taken:</b> | <input type="text"/>           |   |                      |
| <b>Observations/Notes:</b>                | <input type="text"/> |                          |                                |   |                      |

|                                    |       |                   |                            |   |       |
|------------------------------------|-------|-------------------|----------------------------|---|-------|
| Point No.<br>(as indicated on map) | :     | _____             | Reason point<br>identified | : | _____ |
| Date photo taken:                  | _____ | Time photo taken: | _____                      |   |       |
| Observations/Notes:                | _____ |                   |                            |   |       |

|                                    |       |                   |                            |   |       |
|------------------------------------|-------|-------------------|----------------------------|---|-------|
| Point No.<br>(as indicated on map) | :     | _____             | Reason point<br>identified | : | _____ |
| Date photo taken:                  | _____ | Time photo taken: | _____                      |   |       |
| Observations/Notes:                | _____ |                   |                            |   |       |

|                                    |       |                   |                            |   |       |
|------------------------------------|-------|-------------------|----------------------------|---|-------|
| Point No.<br>(as indicated on map) | :     | _____             | Reason point<br>identified | : | _____ |
| Date photo taken:                  | _____ | Time photo taken: | _____                      |   |       |
| Observations/Notes:                | _____ |                   |                            |   |       |

|                                    |       |                   |                            |   |       |
|------------------------------------|-------|-------------------|----------------------------|---|-------|
| Point No.<br>(as indicated on map) | :     | _____             | Reason point<br>identified | : | _____ |
| Date photo taken:                  | _____ | Time photo taken: | _____                      |   |       |
| Observations/Notes:                | _____ |                   |                            |   |       |

## Notice of Activity Completion Form

To Certify Completion and Compliance with the Conditional Waiver for Timber Harvest and  
Vegetation Management Activities and

Apply for Termination of Coverage, Monitoring, and Reporting Requirements  
for All Activities Requiring Notification of Completion (Categories 4-6)

*Please type or print clearly in ink*

1. **Activity Name:** (Enter name given to the activity, if any)

**WDID Number:**

2. **Date Activities Completed:**

3. **Landowner:**

|   |                            |
|---|----------------------------|
| Name of individual, company, or agency: |                            |
| Phone:                                  | E-mail address (optional): |

4. **Name and Phone Number of Contact Person(s):** (List the primary person(s)  
supervising/implementing on-site operations.)

|       |        |
|-------|--------|
| Name: | Phone: |
| Name: | Phone: |

5. **Activity Waiver Category:** (under which category did the activities proceed?)

- Category 4:** Timber harvest and vegetation management activities which rely on existing roads, meet 10 criteria, and may include winter-period operations
- Category 5:** CAL FIRE – Approved Plans
- Category 6:** Timber harvest and vegetation management activities that do not qualify under categories 1 – 5

6. Attach completed implementation monitoring form (Attachment D for Category 4 and Attachment G for Category 5 and 6).

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that the timber harvest and/or vegetation management activities for the above-referenced activity (plan) were conducted in conformance with applications and submittals to the Water Board and all general conditions and category-specific conditions and criteria of the Conditional Waiver of Waste Discharge Requirements for Discharges from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, for which my project was enrolled.

Signature:

Date:

Upon receipt of this Notice of Completion, and prior to approving or declining termination, Water Board staff will review submittals and may inspect the project or plan area. All monitoring and reporting requirements for the project will remain in effect until Water Board staff formally acknowledge termination of Timber Waiver coverage with a Notice of Termination addressed to the landowner.

**Note:** Dischargers who completed timber harvest and vegetation management activities under Category 5 and 6 are required to complete effectiveness monitoring (Attachment J) between March 15 and June 15 the season following completion of timber harvest and vegetation management activities and submit a report of such monitoring to the Water Board by July 15 the following year.

**DO NOT WRITE IN THIS BOX:** For Water Board Staff Use Only.

Date Form Received: \_\_\_\_\_

Lead Staff: \_\_\_\_\_

Site Inspection?  No,  Yes, date: \_\_\_\_\_

Staff Notes:

### NOTICE OF TERMINATION:

This Notice of Project Completion Form has been reviewed, and I [ inspected  did not inspect] the activity site. Based on my review, I am:

- terminating coverage under the Timber Waiver (Board Order No. R6T-2009-0029) for this activity. All applicable monitoring and reporting requirements are complete for this activity.
- not terminating coverage and requiring further monitoring pursuant to Water Code section 13267.
- terminating coverage and requiring a Report of Waste Discharge pursuant to California Water Code section 13260.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Effective Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Entered into CIWQS

**WASTE DISCHARGE PROHIBITION INFORMATION FOR  
ACTIVITIES IN  
FLOODPLAINS OF THE LITTLE TRUCKEE OR TRUCKEE RIVER HYDROLOGIC UNITS,  
OR  
STREAM ENVIRONMENT ZONES AND FLOODPLAINS OF THE LAKE TAHOE  
HYDROLOGIC UNIT**

**Conditional Waiver of Waste Discharge Requirements  
for Timber Harvest and Vegetation Management Activities**

To protect beneficial uses and achieve water quality objectives, the Basin Plan contains prohibitions against waste discharges to lands within 100-year floodplains in the Little Truckee, Truckee River and Lake Tahoe Hydrologic Units (HUs), and prohibitions against "permanent disturbance" in Stream Environment Zones (SEZs) in the Lake Tahoe HU. These prohibitions may apply to certain timber harvest and vegetation management activities conducted in these areas.

The information in this attachment:

1. Summarizes discharge prohibitions and available exemptions.
2. Outlines the types of activities that may require an exemption, and describes the general procedure for obtaining an exemption.
3. Specifies the types of activities and conditions that may proceed in 100-year floodplains and SEZs without triggering the need to obtain an exemption.

**1. Waste Discharge Prohibitions and Exemptions**

Little Truckee and Truckee River HU

*100-year Floodplains*

Chapter 4 (pages 4.1-4 and 4.1-7) of the Basin Plan specifies the following **discharge prohibitions**:

Page 4.1-4 4(c). "The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Little Truckee River or any tributary to the Little Truckee River is prohibited."

Page 4.1-7 4(c). "The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited."

Chapter 4 (pages 4.1-4 and 4.1-5) provides that **exemptions** may be granted for the following categories of projects that are applicable to timber harvest and vegetation management activities conducted under the Timber Waiver:

- 1) Projects solely intended to reduce or mitigate existing sources of erosion or water pollution or to restore the functional value to previously disturbed floodplain areas.
- 2) Bridge abutments, approaches, or other essential transportation facilities identified in an approved county general plan.
- 3) Projects necessary to protect public health or safety or to provide essential public services.

### Lake Tahoe HU

#### *100-year Floodplains*

Chapter 5 (page 5.2-3) of the Basin Plan specifies the following **discharge prohibitions** for activities within 100-year floodplains:

8. and 9. "The discharge, or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand and other organic and earthen materials to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited."

Chapter 5 (page 5.7-6) provides that **exemptions** may be granted for the following categories of projects that are applicable to timber harvest and vegetation management activities in 100-year floodplains conducted under the Timber Waiver:

- 4) Public service facilities if: (a) the project is necessary for public health, safety or environmental protection, (b) there is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in the floodplain, and (c) impacts on the floodplain are minimized.
- 5) Erosion control projects, habitat restoration projects, SEZ restoration projects and similar projects provided that the project is necessary for environmental protection and there is no reasonable alternative which avoids or reduces the extent of encroachment in the floodplain.

#### *Stream Environment Zones*

Chapter 5 (page 5.2-3) of the Basin Plan specifies the following **discharge prohibitions** for activities within SEZs:

13. "The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral or earthen materials, to Stream Environment Zones in the Lake Tahoe basin is prohibited."

"New development" as used in the Prohibition 13 means ". . . construction activity resulting in permanent soil disturbance . . . New development does not include maintenance or repair of an existing structure or the replacement of any existing structure with another structure on the same parcel of no greater land coverage." (Basin Plan page 5.2-4). This means that if an activity occurs in an SEZ that does not result in permanent disturbance, the prohibition is not violated.

Chapter 5 (page 5.8-7) provides that **exemptions** may be granted for the following categories of projects that are applicable to timber harvest and vegetation management activities in SEZs conducted under the Timber Waiver:

1. For public service facilities if:
  - a. The project is necessary for public health, safety or the environment;
  - b. There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment;
  - c. The impacts are fully mitigated; and
  - d. SEZ lands are restored in an amount 1.5 times the area of land developed or disturbed by the project
2. For erosion control projects, habitat restoration projects, wetland restoration projects, SEZ restoration projects, and similar projects, programs and facilities, if:
  - a. The project, program, or facility is necessary for environmental protection;
  - b. There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the SEZ; and
  - c. Impacts are fully mitigated

According to the Basin Plan, impacts to SEZs due to erosion control projects, habitat restoration projects, wetland restoration projects, or SEZ restoration projects do not need to meet the 1.5:1 restoration requirement.

## **2. Types of Activities Which May Be Eligible for a Discharge Prohibition Exemption**

In order to obtain an exemption for a waste discharge prohibition for timber harvest and vegetation management activities, applicants must provide Water Board staff with the information needed to justify the exemption, and allow for a 10-day public review and comment period. The Water Board's Executive Officer is authorized to grant these exemptions; therefore, no Water Board public hearing is typically required.

The nature of certain timber harvest and vegetation management projects makes them eligible for exemptions to the above-described prohibitions. Such eligible projects may include:

- Timber harvest and vegetation management projects to reduce fuel loading that are identified in a community wildfire protection plan
- Improvement of a stream crossing on an existing road to benefit water quality
- Timber harvest and vegetation management projects for aspen regeneration or improvement of riparian conditions
- Construction of an approach or bridge abutment within a 100-year floodplain to conduct timber harvest or vegetation management activities. (Such approaches or bridge abutments do not have to be identified in a county general plan)
- Timber harvest and vegetation management activities to protect forest values, such as wildlife habitat

Examples of activities conducted within 100-year floodplains or in SEZs that would require an exemption include:

- Enlargement of existing permanent watercourse crossings and/or roads
- Construction of temporary roads
- Construction of temporary watercourse crossings and associated approaches in place longer than one season
- Construction of skid trails
- Pile burning
- Conventional equipment operated off-road in SEZs or floodplains

### **3. Activities Not Requiring a Discharge Prohibition Exemption**

Timber harvest and vegetation management activities listed below in Table N1, when conducted in compliance with the Timber Waiver and the conditions specified in Table N1, do not result in discharges in conflict with the above waste discharge prohibitions. Therefore, they **do not require a prohibition exemption** and may proceed as part of a project permitted under this Timber Waiver without any additional notification or authorization.

**Table N1: Timber Harvest and Vegetation Management Activities within SEZs and 100-year Floodplains in the Truckee and Lake Tahoe Hydrologic Units (HUs) Which Do Not Violate Waste Discharge Prohibitions.**

| Activity   | 100-year Floodplains<br>(Lake Tahoe and Truckee HUs)   | Stream Environment Zones<br>(Lake Tahoe HU)   |
|--|--|---|
| Hand crew operations<br>(except for pile burning)  | Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of Waiver Category 2.   |   |
| Over-snow equipment operation (no placement of slash within SEZs or 100 year floodplains)  | Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of Waiver Category 1, 4, 5 or 6.  |   |
| Operations on existing roads   | Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of applicable Waiver Category.  |   |
| Broadcast Burning  | Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of applicable Waiver Category.  |   |
| Operation of cut-to-length equipment with less than 13 psi ground pressure on granitic soils off existing roads in SEZs and 100-year floodplains | Prohibited discharges to 100-year floodplains do not occur if activities meet all the following conditions:<br><ul style="list-style-type: none"> <li>a. Equilibrated groundwater levels are at least two feet below the soil surface.</li> <li>b. Soils are dry (as defined in Attachment A) to a minimum depth of 12 inches.</li> <li>c. Slash mats are employed or sufficient ground cover exists to prevent discharge of earthen materials to surface waters.</li> <li>d. Eligibility criteria and conditions of applicable Waiver Category are met.</li> </ul>  | Permanent disturbance in SEZs does not occur if activities meet all the following conditions:<br><ul style="list-style-type: none"> <li>a. Equilibrated groundwater levels are at least 2 feet below the soil surface.</li> <li>b. Soils are dry (as defined in Attachment A) to a minimum depth of 12 inches.</li> <li>c. Slash mats are employed or sufficient ground cover exists to prevent discharge of earthen materials to surface waters.</li> <li>d. Eligibility criteria and conditions of applicable Waiver Category are met.</li> </ul> |
| Construction and removal of temporary watercourse crossings  | Prohibited discharges to 100-year floodplains do not occur if activities meet all the following conditions:<br><ul style="list-style-type: none"> <li>a. Temporary stream crossings are constructed with clean cobbles or logs. If sand or soil is used as running surface, BMPs must be in place (e.g. filter cloth, brow logs) to prevent discharge of earthen materials to surface waters.</li> <li>b. Stream crossings are completely removed at the end of operations, or prior to the winter period (as defined in Attachment A), whichever is sooner.</li> <li>c. Eligibility criteria and conditions of applicable Waiver Category are met.</li> </ul> | Permanent disturbance in SEZs does not occur if activities meet Basin Plan Section 5.13 criteria:<br><br>"Crossing of perennial streams or other wet areas shall be limited to improved crossings in accordance with the [TRPA] BMP handbook or to temporary bridge spans that can be removed upon project completion or the end of the work season, whichever is sooner, and damage to SEZ associated with a temporary crossing shall be restored within one year of removal."   |

| Activity   | 100-year Floodplains<br>(Lake Tahoe and Truckee HUs)   | Stream Environment Zones<br>(Lake Tahoe HU)  |
|--|--|--|
| Placement of chips or masticated material  | Prohibited discharges to 100-year floodplains do not occur if activities meet a. or b., and c. below:<br>a. Chips or masticated material is incorporated into the soil, or<br>b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and<br>c. Eligibility criteria and conditions of applicable Waiver Category are met. | Placement of chips or masticated material does not result in "permanent soil disturbance" in SEZs if:<br>a. Chips or masticated material is incorporated into the soil, or<br>b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and<br>c. Eligibility criteria and conditions of applicable Waiver Category are met. |
| Repair or replacement of permanent crossings for existing roads, when new crossing is same size as existing. | Prohibited discharges to 100-year floodplains do not occur if activities do not involve the loss of additional floodplain area or volume (Basin Plan Sections 4.1 and 5.2)   | New permanent SEZ disturbance is not attributable to maintenance, repair or replacement of an existing structure that does not result in greater land coverage (Basin Plan 5.2).   |

Notes:

1. For equipment use on steep slopes in the Lake Tahoe HU, refer to the Basin Plan or the TRPA code of ordinances for prohibitions and exemption criteria.
2. Water Board will consider new information to update this list. The Water Board, after a public hearing, may amend the Timber Waiver to modify the above list.

## **Monitoring and Reporting Program for U.S. Forest Service Activities Enrolled Under Timber Waiver Categories 4 or 6**

### Overview

Monitoring is required for U.S. Forest Service projects enrolled in Timber Waiver Categories 4 and 6, pursuant to Water Code section 13267. The U.S. Forest Service shall satisfy the monitoring requirements for these categories through a combination of its *Best Management Practices Evaluation Program* (BMPEP) and project-specific implementation monitoring plans, or by complying with the monitoring and reporting requirements of the Timber Waiver. The monitoring requirements and forms for Timber Waiver Categories 4 and 6 are found in Attachments D, E, G, H, I, J, and L.

### Fall Implementation Monitoring Requirements

If the U.S. Forest Service does not use Timber Waiver fall implementation monitoring forms found in Attachments D or G, then U.S. Forest Service watershed staff shall create a project-specific fall implementation checklist that will be used by U.S. Forest Service personnel to verify that all BMPs are installed prior to the winter period (as defined in Attachment A) of any year of operations. This blank checklist shall be submitted to the Water Board with the project's Timber Waiver Category 4 or 6 application.

Fall implementation monitoring reports shall be submitted to the Water Board by **January 15** of each year. These reports shall include the completed BMP implementation checklist (or Attachment D or G) and identify any instances where BMPs were not implemented as required and any corrective action that was taken. If no corrective action was taken, but was identified as necessary, the U.S. Forest Service shall specify a schedule for corrective action to be completed.

### Daily Winter Monitoring and Winter Implementation Monitoring Requirements

All U.S. Forest Service projects enrolled under Categories 4 or 6 that propose winter period operations must conduct daily winter monitoring and Winter Implementation Monitoring (see below). If the U.S. Forest Service does not use the Timber Waiver Daily Winter Period Monitoring Checklist (Attachment E), then U.S. Forest Service watershed staff shall create an equivalent project-specific winter monitoring checklist that will be used by U.S. Forest Service personnel to verify that conditions are suitable for such activities. This blank checklist shall be submitted to the Water Board with the project's Timber Waiver Category 4 or 6 application. Winter monitoring checklists (or Attachment E) shall be submitted to the Water Board by **July 15** of each year that winter operations occur.

U.S. Forest Service projects enrolled under Categories 4 or 6 that proceed with winter timber harvest and vegetation management activities shall also complete winter implementation monitoring. If the U.S. Forest Service does not use Timber Waiver winter implementation monitoring form (Attachment H), the U.S. Forest Service watershed staff shall create an equivalent project-specific winter implementation monitoring checklist that will be used by U.S. Forest Service personnel at the conclusion of winter operations (or before April 1) to verify that all management measures designed to prevent sediment delivery and protect water quality are in place and secure. This monitoring shall be submitted to the Water Board by **July 15** of each year that winter operations occur.

#### Forensic and Effectiveness Monitoring Requirements

##### **Watersheds below Threshold of Concern and not tributary to any water listed on the Clean Water Act Section 303(d) List as impaired due to sediment**

In watersheds **that are not elevated above the TOC by project activities**, the Forest Supervisor's Office shall submit an annual BMPEP report for all activities on the Forest to the Water Board by **July 15** of each year to fulfill the forensic and effectiveness monitoring requirements of this waiver. If the BMPEP report identifies failed or ineffective BMPs for projects enrolled under the Timber Waiver, U.S. Forest Service staff shall submit a supplemental narrative that addresses when corrective action will be implemented.

##### **Watersheds at or above the Threshold of Concern or are tributary to any water listed on the Clean Water Act Section 303(d) List as impaired due to sediment (Projects enrolled in Waiver Category 6 only)**

In watersheds **that are at or above the TOC, or that will be elevated above TOC due to project implementation, or are in watersheds within or tributary to 303(d) listed waters impaired for sediment**, U.S. Forest Service watershed staff shall submit a monitoring report that utilizes the BMPEP protocols to evaluate the effectiveness of implemented BMPs for any Category 6 activities (U.S. Forest Service projects enrolled in Waiver Category 4 are not subject to this requirement). BMPEP protocols shall be applied at focused "high risk" sites as determined by U.S. Forest Service watershed specialists based on location (i.e., activities on steep slopes or in proximity to waterbodies) and activity risk factors (e.g., road, landing, and watercourse crossing construction) rather than on a random basis to assess the effectiveness of the applied BMPs. This report shall be submitted to the Water Board by **July 15** following each year of project activities to fulfill the forensic and effectiveness monitoring requirements of this waiver. If the focused monitoring utilizing BMPEP protocols identifies failed or ineffective BMPs, U.S. Forest Service staff shall submit a supplemental narrative that addresses when corrective action will be implemented.

The U.S. Forest Service BMP handbook can be found at the following link:  
[http://www.fs.fed.us/r5/publications/water\\_resources/waterquality/water-best-mgmt.pdf](http://www.fs.fed.us/r5/publications/water_resources/waterquality/water-best-mgmt.pdf)  
Chapter 15 of the handbook is the BMPEP user's guide.

Photo-Point Monitoring Requirements:

Photo-point monitoring (as described in Attachment L) is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during application review, agency consultation, or site visit).

- Construction or reconstruction of a bridge crossing over a watercourse
- Construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

Photo-point monitoring shall be submitted with the relevant implementation monitoring report for the project (the submittal shall include before and after photos).

If evidence of sediment erosion and delivery to a waterbody are observed:

- Identify the waterbody and describe specific locations within or adjacent to the waterbody.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.
- Report discharges to surface waters by telephone (530) 542-5400 no later than 24 hours after detection.

Attachment P  
California Regional Water Quality Control Board  
Lahontan Region

**SUMMARY OF MONITORING AND REPORTING REQUIRED FOR CATEGORIES 4, 5, AND 6:**

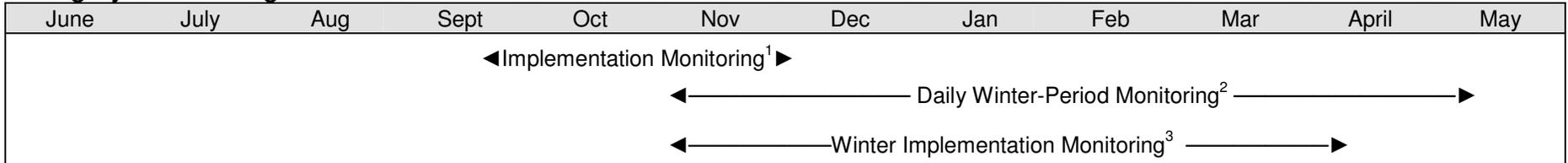
**Reporting Required:**

| Category | Due annually by January 15 for duration of activities: | Due annually by July 15 for duration of activities:   | Due upon completion:  | Due by July 15 the year following completion of activities:        |
|----------|--|---|---|--|
| 4        | Fall Implementation Monitoring Report (Attachment D)   | <b>If required:</b> Daily winter-period (Attachment E) and Winter Implementation (Attachment H) Monitoring Reports  | Implementation Monitoring Report (Attachment D) & Activity Completion Form (Attachment M) | Not applicable   |
| 5        | Fall Implementation Monitoring Report (Attachment G)   | <b>If required:</b> Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J)   | Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M) | <b>If required:</b> Effectiveness Monitoring Report (Attachment J) |
| 6        | Fall Implementation Monitoring Report (Attachment G)   | <b>If required:</b> Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J)<br>Daily winter-period monitoring report (Attachment E) | Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M) | <b>If required:</b> Effectiveness Monitoring Report (Attachment J) |

Photo-point monitoring is required prior to commencement of timber harvest and vegetation management activities, and during implementation, forensic, and effectiveness monitoring for any activity that includes any of the following: (1) the construction or reconstruction of a span crossing over a watercourse, or (2) the construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter. Photo-point monitoring may also be required upon the request of Water Board staff.

Additional activity-specific monitoring may be imposed pursuant to California Water Code 13267.

**Category 4 Monitoring:**

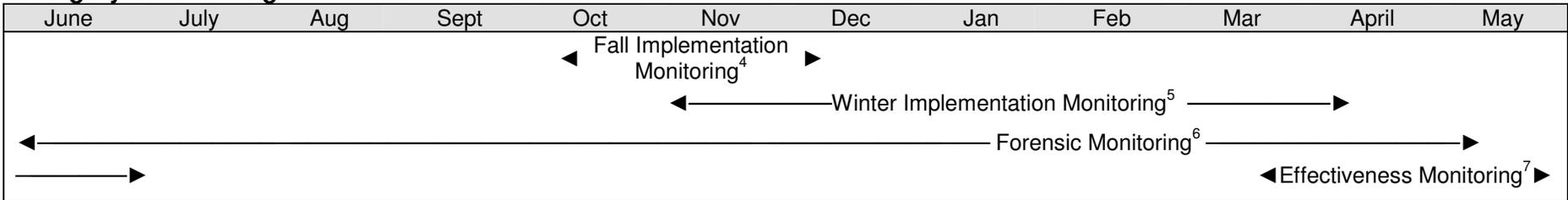


<sup>1</sup> Field work for implementation monitoring must be completed by November 15.

<sup>2</sup> Daily winter-period monitoring required only on days of equipment operation between November 15 and April 1 (or October 15 and May 1 in Tahoe/Truckee)

<sup>3</sup> Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (between October 15 and May 1 for Tahoe/Truckee).

**Category 5 Monitoring:**



<sup>4</sup> Field work for fall implementation monitoring must be completed by November 15.

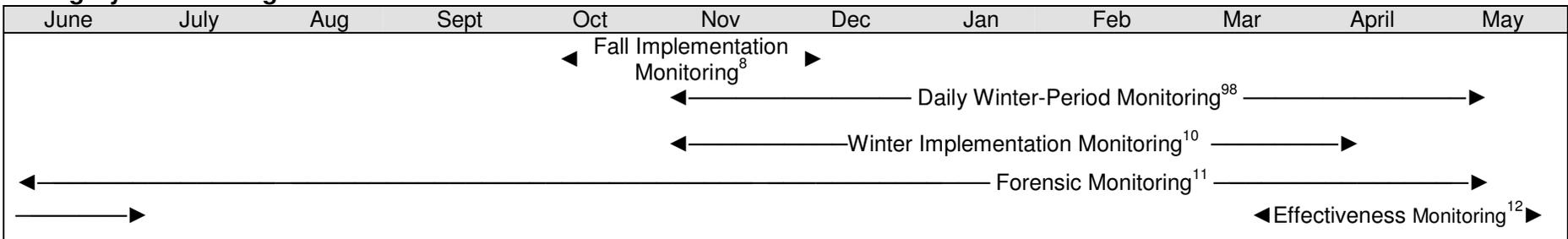
<sup>5</sup> Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (between October 15 and May 1 for Tahoe/Truckee).

<sup>6</sup> Forensic monitoring may occur at any time of the year after a significant rain or snow-melt event.

<sup>7</sup> Effectiveness monitoring should be conducted at, or near, the end of the spring runoff, preferably between March 15 and June 15.

Note: Forensic and effectiveness monitoring is only required if one or more of the 8 conditions listed on page 2 of Attachment F exist within the activity area.

**Category 6 Monitoring:**



<sup>8</sup> Field work for fall implementation monitoring must be completed by November 15.

<sup>9</sup> Daily winter-period monitoring required only on days of equipment operation between November 15 and April 15 (between October 15 and May 1 for Tahoe/Truckee).

<sup>10</sup> Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (after October 15 and before May 1 for Tahoe/Truckee).

<sup>11</sup> Forensic monitoring may occur at any time of the year after a significant rain or snow-melt event.

<sup>12</sup> Effectiveness monitoring should be conducted at, or near, the end of the spring runoff, preferably between March 15 and June 15.

Note: Forensic and effectiveness monitoring is only required if one or more of the 8 conditions listed on page 5 of Attachment K exist within the activity area.

Attachment Q  
California Regional Water Quality Control Board  
Lahontan Region

Design Features for Pile Burning within Waterbody Buffer Zones  
(Examples)

- Maintain a 25 foot buffer (no piling or burning) from water courses
- Allow fire to creep between piles and into these buffers, maintaining flame lengths of less than 2 ft in height except where sensitive plant occurrences, fens, and the noxious weeds whitetop and cheatgrass are present.
- Place piles in a non-linear pattern in each unit where possible.
- The maximum pile size shall not exceed 10 feet diameter by 5 feet height.
- No more than 30% of any SEZ acre may be occupied with piles.
- No more than 15% of any SEZ acre may be burned each year.
- Maximize the distance between piles to the extent feasible, maintaining approximately 20 feet average spacing between piles.
- After initial ignition of piles, but while still burning, allow each pile to be re-piled once (i.e., place large unburned pieces back into the burning pile). Additional re-piling will be allowed if necessary to achieve 80% consumption of the piled material.
- When piles are adjacent to aspen trees, re-piling during pile burning shall be restricted to one time per pile and hot piling (i.e. don't feed one pile with the material from other piles or ground material) is prohibited.