

*California Environmental Quality Act*  
(CEQA)

INITIAL STUDY

Supporting the Preparation of a Mitigated Negative Declaration

for

Revision of Conditional Waiver of Waste Discharge Requirements for Timber  
Harvest and Vegetation Management Activities in the Lahontan Region

January 2009

California Regional Water Quality Control Board, Lahontan Region  
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## PROJECT DESCRIPTION

This project involves revising the *Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities in the Lahontan Region* (R6T-2007-0008 [2007 Timber Waiver]), by adopting and implementing a revised Timber Waiver (revised Timber Waiver). The 2007 Timber Waiver will remain in effect for activities previously enrolled under the 2007 Timber Waiver.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is proposing to waive the need to submit Reports of Waste Discharge and obtain Waste Discharge Requirements for discharges, or threatened discharges, of wastes including earthen materials (i.e., soil, silt, sand, clay, and rock), organic materials (i.e., slash, sawdust, and bark), and silvicultural herbicides, resulting from timber harvest and vegetation management activities in the Lahontan Region which meet the eligibility criteria and comply with the conditions and general provisions set forth in the revised Timber Waiver. The revised Timber Waiver identifies six categories of activities described by eligibility criteria for each category. To be eligible for the revised Timber Waiver, persons must comply with specific criteria and conditions set forth to ensure that impacts to water quality remain at less than significant levels.

The definition of **timber harvest and vegetation management activities** for the purpose of this project is:

all activities related to the management of vegetation for the purposes of fuel reduction; forest thinning; establishment of shaded fuel break; and/or environmental improvement (such as forest enhancement, riparian enhancement, and aspen stand enhancement); 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. Vegetation management activities do not include aquatic vegetation management, preparatory tree marking, surveying, or road flagging.

The revised Timber Waiver will apply to these activities throughout the Lahontan region. For activities located in the area of mutual jurisdiction of the Water Board and the Tahoe Regional Planning Agency (TRPA) in the Lake Tahoe Region, the TRPA is the lead agency for permitting and review of timber harvest and vegetation management activities under the terms of a 2008 Memorandum of Understanding (MOU). Project proponents do not need to apply to the Water Board for coverage under the Timber Waiver if their project is regulated by the TRPA and in accordance with the agreements of the MOU.

## **SPECIFICS OF THE PROPOSED PROJECT**

Proposed revisions to the 2007 Timber Waiver include minor changes (i.e., grammar and document organization) and substantial changes (i.e., revising the categorization scheme, eligibility criteria, and application and monitoring requirements)). The scope of the environmental analysis within this Initial Study is limited to these proposed changes.

The revised Timber Waiver is attached to this Initial Study.

## **PURPOSE OF AND NEED FOR PROJECT**

The purpose of the project is to protect water quality, further expedite fuels reduction efforts in the Lahontan Region, clarify Timber Waiver requirements, and facilitate compliance with waiver conditions. These proposed revisions are being made in response to requests made by the Lahontan Water Board, the regulated public and agencies, and the California-Nevada Tahoe Basin Fire Commission.

The need for the project was identified in the *California-Nevada Tahoe Basin Fire Commission Report* (May 2008). This document was developed following the June - July 2007 Angora fire in South Lake Tahoe, which damaged or destroyed hundreds of structures and utilities and burned over 3,000 acres of forested land within the Lake Tahoe Basin.

In May 2008, following review of the *California-Nevada Tahoe Basin Fire Commission Report* (Fire Commission report), Governor Arnold Schwarzenegger issued a Proclamation regarding current forest fuels and regulatory conditions in the Lake Tahoe Region following the Angora fire. The Proclamation found that a state of emergency exists within the Tahoe Basin counties of Placer and El Dorado relative to wildfire risk, and certain actions should be implemented to improve fire suppression, fuels management, planning, and regulatory streamlining. The Governor's Proclamation found the current regulatory environment within the Tahoe Basin for fuels treatment activities:

" . . . confusing, overly complex and often incompatible with the immediate need to mitigate the threat of catastrophic wildfire, and that such regulation and procedures require the immediate attention of agencies and authorities having jurisdiction over the health and conditions of the forests in the Basin, including but not limited to the TRPA, in order to eliminate or otherwise reduce the adverse effects of confusing, overlapping, or unnecessarily restrictive regulations and regulatory procedures . . . ."

Although the Governor's Proclamation was specific to the Lake Tahoe Basin, the Water Board recognizes the need to clarify and revise the 2007 Timber Waiver to facilitate fuels treatments for public health and safety, and increase understanding of the Timber Waiver's conditions and requirements region-wide. Therefore, Water Board staff is

proposing these revisions to the 2007 Timber Waiver to fulfill the purpose and need for the project, as outlined above.

The scope of this proposed action is limited to revisions that can be made without requiring an amendment to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). Amending the Basin Plan would require additional environmental and scientific peer review. Because of the length of time involved in completing Basin Plan amendments, the Water Board may consider changes to the Basin Plan in a separate action at a later date.

## **CONSISTENCY WITH PLANS AND POLICIES FOR WATER QUALITY PROTECTION**

Between 1988 and 2003, the Lahontan Water Board waived waste discharge requirements for timber harvest activities operating under approved California Department of Forestry and Fire Protection (CAL FIRE) Timber Harvesting Plans or federal timber sales, according to Resolution No. 6-88-18, *Waiver for Waste Discharge Requirements for Specific Types of Discharges*. In January 2003, upon the expiration of Resolution No. 6-88-18, the Lahontan Water Board adopted Resolution No. R6T-2003-0001, *Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities in the Lahontan Region* (2003 Timber Waiver). The 2003 Timber Waiver conditionally waived waste requirements for timber harvest activities on lands throughout the Lahontan Region, including both nonfederal lands (i.e., lands owned and managed by private landowners, local governments, public utility districts, etc.) and federal lands managed by the U.S. Forest Service. Environmental impacts of the 2003 Timber Waiver were analyzed under a Negative Declaration, certified by the Water Board on January 8, 2003.

In February 2007, the 2003 Timber Waiver was rescinded with the adoption of a renewed Timber Waiver, Resolution No. R6T-2007-0008 (2007 Timber Waiver). The 2007 Timber Waiver covered the same types of activities as the 2003 Timber Waiver; however, unlike the previous waivers, the 2007 Timber Waiver included monitoring and reporting requirements for timber harvest and vegetation management activities determined by the Lahontan Water Board to pose a threat to water quality, pursuant to California Water Code (Water Code) section 13269 (as amended January 1, 2005). Environmental impacts of the 2007 Timber Waiver were determined to remain within the project scope of the Initial Study and Negative Declaration certified for the 2003 Timber Waiver, and no additional analysis was conducted pursuant to the California Environmental Quality Act.

Under this revised Timber Waiver, the Water Board will continue to waive waste discharge requirements for specified discharges associated with timber harvest and vegetation activities within the Lahontan Region. Similar to the 2007 Timber Waiver, the revised Timber Waiver will be conditional and may be terminated at any time by the Lahontan Water Board pursuant to Water Code section 13269, subdivision (a)(2). To ensure that the revised Timber Waiver is in the public interest and consistent with the

Basin Plan, conditions of eligibility for the revised Timber Waiver are proposed, consistent with the Water Code section 13269, subdivision (a)(1).

These conditions are proposed for each revised Timber Waiver category to ensure that activities carried out under the revised Timber Waiver will not adversely impact water quality. Notification and application requirements provide a mechanism for Water Board staff to provide feedback on vegetation management proposals to avoid water quality problems, and ensure eligibility and compliance with Timber Waiver conditions and ensure management measures are implemented and effective. Monitoring requirements are intended to further ensure compliance with waiver conditions and eligibility criteria, and to verify the adequacy and effectiveness of the revised Timber Waiver's conditions.

The revised Timber Waiver does not limit or change the existing authorities or responsibilities of other agencies. For example, on private timberlands, CAL FIRE is the lead agency for conducting CEQA and issuing permits to timberland owners and operators performing vegetation management activities within the project area. On lands managed by the U.S. Forest Service, approval to conduct timber harvest and vegetation management activities is only granted after the U.S. Forest Service has prepared environmental documents to comply with NEPA. On lands owned and/or managed by the State of California (i.e., California Department of Parks and Recreation, California Tahoe Conservancy, and the California Department of Transportation), approval to conduct timber harvest and vegetation management activities is granted only after environmental analysis in compliance with CEQA is completed.

Within the Lake Tahoe region, the TRPA regulates vegetation management activities through a tree removal permitting system and memoranda of understanding with land management agencies and fire districts. The Water Board and the TRPA are currently implementing a cooperative approach to regulating vegetation management activities in the Lake Tahoe Region, through an MOU for vegetation management activities. Under the Vegetation Management MOU, the TRPA is responsible for reviewing proposed activities, issuing permits, conducting inspections and taking enforcement action as necessary to ensure compliance with permits and applicable regulations, including its Code of Ordinances and Water Quality Management Plan for the Lake Tahoe Region ("208 Plan") for activities in the Lake Tahoe Region. The provisions and prohibitions of the Water Quality Control Plan of the Lahontan Region (Basin Plan) are the same as those contained in the TRPA ordinances and plans.

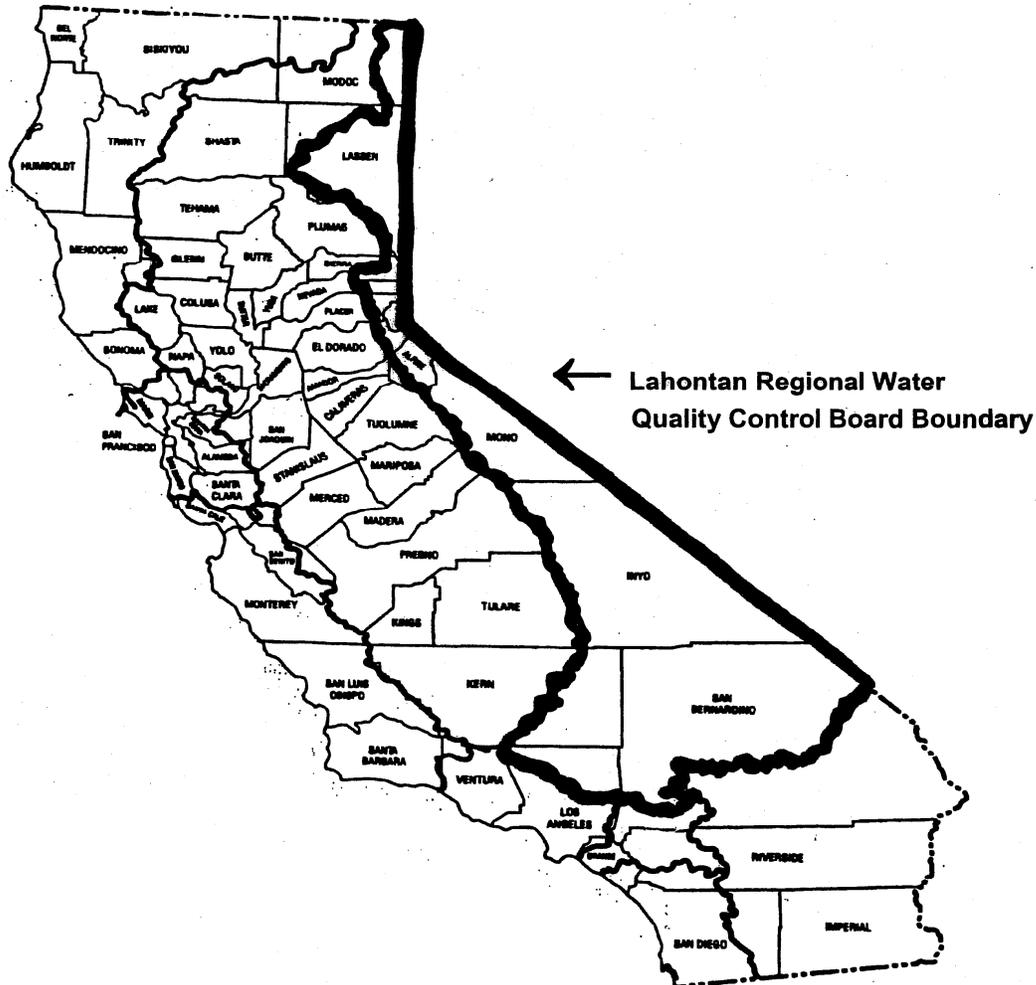
As described above, the proposed project is consistent with applicable plans and policies regarding water quality protection in the Lahontan Region. The Lahontan Water Board proposes to make a determination that the timber harvest and vegetation management activities conducted in compliance with the conditions described within the revised Timber Waiver are consistent with the Water Quality Control Plan for the Lahontan Region (Basin Plan) and is in the public interest pursuant to Water Code section 13269, subdivision (a)(1).

## **ENVIRONMENTAL SETTING**

The Lahontan Region (Figure 1) is comprised of about 33,131 square miles of land, a significant portion of which is forestland. The Region includes over 700 lakes, and over 3,000 miles of streams in eastern California, including the California portion of the Lake Tahoe Basin. The Lahontan Region includes the highest (Mount Whitney) and lowest (Death Valley) points in the contiguous United States, and the topography of the remainder of the Region is diverse. The Region includes the eastern slopes of the Warner, Sierra Nevada, San Bernardino, Tehachapi and San Gabriel Mountains, and all or part of other ranges including the White, Providence, and Granite Mountains. Topographic depressions include the Madeline Plains, Surprise, Honey Lake, Bridgeport, Owens, Antelope, and Victor Valleys.

Much of the Lahontan Region is in public ownership, with lands managed by agencies such as the U.S. Forest Service, National Park Service, and Bureau of Land Management, various branches of the military, the California State Department of Parks and Recreation, and the City of Los Angeles Department of Water and Power. Land uses include rangeland grazing, recreation, timber harvest, mining, irrigated agriculture, energy production, water supply transport and storage, and urban uses.

Figure 1: Project Area (Lahontan Region)



## DISCUSSION OF POTENTIAL EFFECTS OF PROPOSED PROJECT

CEQA requires a Lead Agency to prepare an Initial Study to determine whether a project may have a significant effect on the environment (Cal. Code Regs., tit. 14, section 15063(a)). A "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (Cal. Code Regs., tit. 14, section 15382).

If the Initial Study does not show that there is substantial evidence, in light of the whole record before the agency, that a project may have a significant effect on the environment, a Negative Declaration may be prepared. If the Initial Study identifies potentially significant effects, but identifies revisions or conditions to mitigate the effects

to a point where clearly no significant effects would occur, a Mitigated Negative Declaration may be prepared (California Code of Regulations, title 14, section 15070).

The Lahontan Water Board has waived waste discharge requirements for timber harvest activities since 1988. However, this project (the revised Timber Waiver) does contain substantive changes over past Timber Waivers in several areas. These changes include:

- organizing revised Timber Waiver categories based on threat to water quality, and de-emphasizing land ownership as a basis for categorization
- expanding the types of activities that may proceed under the revised Timber Waiver without notification to Water Board staff
- expanding the types of activities that may proceed under the revised Timber Waiver without 30-day notification to Water Board staff
- revised Timber Waiver eligibility criteria, conditions, and definitions
- removing, reducing, and/or clarifying monitoring requirements for certain categories of activities
- providing expanded conditional opportunities for activities within sensitive lands<sup>1</sup>
- explicit interpretation of prohibitions contained in the Water Quality Control Plan for the Lahontan Region (Basin Plan) against waste discharges to lands within the 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
- allowance for conditional operation of low ground pressure equipment to within 25 feet of a watercourse
- allowance for the deposition of limited chipped material within Waterbody Buffer Zones

These substantive changes are proposed by Water Board staff for several reasons:

- to streamline implementation of a broader range of vegetation management activities to mitigate the threat of catastrophic wildfire, while ensuring less than significant impacts to water quality
- to facilitate compliance with Timber Waiver conditions, and assist applicants in identifying eligibility criteria, conditions, and monitoring requirements that apply to their proposed activities
- to allow Water Board staff to focus limited staff resources on timber harvest and vegetation management activities that pose greater threats to water quality.

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<sup>1</sup> The term ‘sensitive lands’ used within this Initial Study and the Timber Waiver includes: aquatic and wetland habitat, soils with high or extreme erosion hazard rating, slopes greater than 40%, known slides and unstable areas (including unstable and erodible watercourse banks, migrating channels, overflow channels, watercourse channels with inadequate flow capacity, flood prone areas, riparian areas, 100-year floodplains within the Truckee River, Little Truckee River, and Lake Tahoe Hydrologic Units (HUs), slopes over 30% in the Lake Tahoe HU, and Stream Environment Zones within the Lake Tahoe HU.

Some of the proposed changes could have an effect on the environment in the project area over current conditions (i.e., regulation of timber harvest and vegetation management activities under the 2007 Timber Waiver). For each CEQA factor, Water Board staff evaluated potential environmental effects from proposed changes in regulation in the revised Timber Waiver from the 2007 Timber Waiver. For example, providing expanded opportunities for fuels reduction activities on sensitive lands, or expanding the types of activities that may proceed without notification to Water Board staff, could result in impacts to water quality, soils or biological resources. In developing the revised Timber Waiver, Water Board staff included criteria, conditions, and monitoring requirements to ensure that the activities that proceed under the revised Timber Waiver will not result in significant impacts. Criteria and conditions limit the scope, extent or nature of activities that are eligible for the revised Timber Waiver, and monitoring requirements determine the efficacy of these stipulations in protecting water quality. For each CEQA factor in the following checklist, the criteria and conditions included in the proposed revised Timber Waiver to reduce potential impacts to less than significant levels are described.

Further, as noted above, the revised Timber Waiver would not limit or change the existing requirements, authorities or responsibilities of the Water Board and other agencies, nor does it allow discharges which would result in Basin Plan violations, or the creation of a pollution or nuisance. Where applicable, these requirements and authorities of other agencies are described in the following checklist.

Therefore, activities that are designed and implemented to comply with the conditions and criteria of the revised Timber Waiver will have less than significant impacts on the environment. Activities that are not designed (or revised) to meet the conditions and criteria for this revised Timber Waiver must file a Report of Waste Discharge with the Water Board, containing discharge-specific information as required. Water Board staff would then consider issuing individual Waste Discharge Requirements for that activity.

## INITIAL STUDY/ENVIRONMENTAL CHECKLIST

1. **Project title:**  
Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region.
2. **Lead agency name and address:**  
California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board)  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150
3. **Preparer and phone number:**  
Andrea Stanley, (530) 542-5406
4. **Project location:** The Lahontan Water Board's jurisdiction, which encompasses all or parts of Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, Mono, Inyo, San Bernardino, Kern, and Los Angeles counties.
5. **Project sponsor's name and address:**  
Lahontan Water Board  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
Attn: Andrea Stanley
8. **Brief Description of project:**  
This project involves the revision of the existing Timber Waiver (Resolution No. R6T-2007-0008) by the adoption and implementation of a Board Order that will continue to conditionally waive waste discharge requirements for specified discharges associated with timber harvest activities within the Lahontan Region.
9. **Surrounding land uses and setting:**  
Rangeland grazing, recreation, mining, timber harvest, irrigated agriculture, open space, and urban uses.
10. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.)  
Approval by another public agency is not required. This project may be superseded by the adoption by the State Water Board of specific waste discharge requirements or general waste discharge requirements for types of discharges covered by this project.

This project does not preclude the need for persons conducting timber harvest and vegetation management activities to obtain permits which may be required by other local and governmental agencies.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors marked below would be potentially affected by this project, as indicated by the checklist on the following pages.

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to

a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

a-c) Timber harvesting activities could have aesthetic impacts; however, the revised Timber Waiver would not alter or weaken the need to comply with existing regulations regarding aesthetic values that currently apply to activities regulated under the 2007 Timber Waiver. Therefore, it is not anticipated that the adoption and implementation of the revised Timber Waiver would affect the nature or extent of any aesthetic impact over current conditions (i.e., regulation of timber harvest and vegetation management activities under the 2007 Timber Waiver).

Therefore, because the revised Timber Waiver would not alter or weaken the need to comply with existing regulations regarding aesthetic values that currently apply under the 2007 Timber Waiver the appropriate finding is **no impact**.

d) The proposed project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

a-c) The proposed project would not involve converting or re-zoning agricultural land to non-agricultural use. There will be no change to agricultural resources in the project area over existing conditions due to the revised Timber Waiver; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

a-e) Timber harvesting activities may generate dust emissions as the result of road and trail construction and use, and the construction of landings and pads. Nitrogen and sulfur oxides may be emitted during timber harvesting activities, including from use of heavy equipment engines. Smoke will be emitted during prescribed burning of logging slash. However, it is not anticipated that the revised Timber Waiver will result in an increase in these emissions over current conditions (i.e., regulation of timber harvest and vegetation management activities under the 2007 Timber Waiver).

The revised Timber Waiver does clarify allowable activities regarding prescribed burning. Revised waiver categories 4 and 6 clarify that prescribed burns, defined as "broadcast", rather than pile burning, can *conditionally* occur in Waterbody Buffer Zones. The 2007 Timber Waiver did not prohibit this activity for similar waiver categories, but did not specify conditions to protect water and soils resources. As such,

the change between the 2007 waiver and the revised waiver represents a clarification only, which will not result in an increase in smoke emissions over current conditions. Further, the revised Timber Waiver would not alter or weaken the need to comply with existing regulations regarding air quality that currently apply under the 2007 Timber Waiver. The adoption and implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over air quality issues related to vegetation management (e.g., requirements for smoke management or dust abatement by state, local or federal agencies, or county air districts). Therefore, the adoption and implementation of the revised Timber Waiver would not affect the nature or extent of any impact to air quality over current conditions.

Therefore, because the revised Timber Waiver would not alter or weaken the need to comply with existing regulations regarding air quality that currently applies under the 2007 Timber Waiver and the revised Timber Waiver provides clarification regarding the conditions under which prescribed burning may occur in certain locations, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES --</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

a-d) The revised Timber Waiver contains both general and category-specific conditions and criteria to ensure that activities that proceed under the revised Timber Waiver will have less than significant impacts to biological resources, including candidate, sensitive or special status species or their habitat (including wetlands, riparian areas and/or nursery sites).

General Conditions 1 and 4 require compliance with the Basin Plan, and prohibit the creation of a pollution, contamination, or nuisance, as defined by the California Water Code section 13050. Compliance with the Basin Plan requires that water quality standards and waste discharge prohibitions must not be violated by activities that proceed under the revised Timber Waiver. The Basin Plan specifies region-wide and location-specific water quality objectives for waste discharges subject to this revised Timber Waiver. These objectives set narrative or numeric limits for constituents that may be associated with timber harvest and vegetation management activities such as biostimulatory substances, dissolved oxygen, floating materials, pH, sediment, settleable and suspended materials, temperature, toxicity, nondegradation of aquatic communities and populations, and pesticides.

These water quality objectives are established to protect beneficial uses of the region's waters. The water quality objectives in conjunction with the identification of water body-specific beneficial uses constitute the water quality standards. Beneficial use designations in the Lahontan Region incorporate protection of biological habitats and sensitive species, including 8 separate designations for biological resources (Warm Freshwater Habitat; Cold Freshwater Habitat; Inland Saline Water Habitat; Wildlife Habitat; Preservation of Areas of Special Biological Significance; Rare, Threatened, or Endangered Species; Migration of Aquatic Organisms; Spawning, Reproduction, and Development). Since the revised Timber Waiver requires compliance with the Basin Plan, all of these beneficial uses are protected from adverse impacts of timber harvest activities. Additionally, the Timber Waiver contains specific conditions related to preventing sediment transport to water bodies, protection or enhancement of fish passage and protection of riparian vegetation. Therefore, activities that proceed in compliance with the revised Timber Waiver must be designed and implemented to ensure biological resources are protected, and any impacts will be reduced to less than significant levels.

The categorical treatment of timber harvest activities further ensures that biological impacts will be less than significant. Activities eligible for the proposed categories vary in scope from those conducted around existing structures to comply with defensible space mandates (Category 1, very low or no threat to water quality, including biological resources dependent on water quality), to commercial timber harvest activities on sensitive lands (Category 5, potentially significant threat to water quality, including biological resources dependent on water quality). Category-specific criteria and conditions, including mitigation and monitoring requirements, are scaled to the potential threat to water quality posed by the eligible activities.

Revised Timber Waiver Category 1 covers only activities:

- conducted near structures, or areas zoned as residential, commercial, or industrial
- 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 (CCR), title 14, section 1038, subdivision (i).

Activities conducted under a Forest Fire Prevention Exemption are subject to:

- CCR, title 14, section 1038, subdivision (i)(6), which requires the Registered Professional Forester submitting the Notice of Exemption to CAL FIRE to “provide the selection criteria for the trees to be removed or the trees to be retained. In the development of these criteria, and the fuel reduction prescriptions, the RPF should consider retaining habitat elements, where feasible, including, but not limited to, ground level cover necessary for long-term management of local wildlife populations.”
- CCR, title 14, section 1038, subdivision (b)(3), which limits activities within key habitat areas of federal or state designated threatened, rare, or endangered species.
- CCR, title 14, section 1038, subdivision (b)(6), which prohibits heavy equipment operations near waterbodies (except for the maintenance of roads and drainage facilities or structures).
- CCR, title 14, section 1038, subdivision (b)(7), which prohibits the disturbance, threat, or damage or known sites of rare, threatened, or endangered plants or animals.
- CCR, title 14, section 1038, subdivision (b)(8), which prohibits activities within the buffer zone of sensitive species.
- CCR, title 14, section 1038, subdivision (i)(14), which requires CAL FIRE staff to conduct at least one inspection at the completion of operations.

Category 1 contains additional conditions to ensure water quality and biological resources are protected, including conditions requiring the stabilization and minimization of areas disturbed by vegetation management activities, and conditions prohibiting crossing waterbodies (including dry ephemeral streams) with equipment. The criteria and conditions of Category 1 limit eligible activities such that their impacts will be less than significant.

Revised Timber Waiver Category 2 covers only those activities that are conducted by hand crews and low-ground-pressure chippers and brush mowers. Category 2 contains criteria and conditions to ensure that hand crew work does not impact water quality or biological resources, including conditions which prohibit activities that erode soil, destabilize streambanks, increase surface water temperatures, disturb non-target riparian vegetation, or concentrate surface runoff. Additional conditions to mitigate impacts to biological resources stipulate that prescribed burning is not permitted within Waterbody Buffer Zones. Category 2 criteria specify that equipment may not be used on saturated soils, and must be limited to existing roads (except for low-ground-pressure chippers and brush mowers), and that no new landings may be

constructed. These criteria and conditions ensure that hand crew work will result in less than significant impacts to water quality and biological resources, including habitat.

Revised Timber Waiver 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 in direct response to an emergency situation. Activities associated with erosion control and natural resource rehabilitation will decrease impacts to water quality and biological resources. General conditions of the waiver require that activities are conducted in compliance with the Basin Plan (its water quality standards and waste discharge prohibitions) to ensure impacts to aquatic biological resources are less than significant.

Revised Timber Waiver Category 4 applies only to activities that are limited to existing roads and limited winter-period operations, and contain criteria and monitoring requirements to ensure impacts to biological resources are less than significant.

Criteria and conditions prohibit: (1) road or water crossing construction or repair beyond the existing prism except for over-snow skid trail watercourse crossings; (2) use of equipment with ground pressure exceeding 13 pounds per square inch (psi) within Waterbody Buffer Zones except for on existing roads or over snow; (3) equipment operation on saturated soils; (4) herbicide use (except the dry application of borax or sporax directly to stumps); (5) mechanical site preparation. The criteria also contain limits for equipment use on steep slopes, slides, unstable areas, or erodible soils, and limits on skid trail and landing construction, to avoid potential impacts to biological resources due to sediment delivery from these areas. Conditions to protect biological resources include those prohibiting activities that prevent fish passage, erode soil, destabilize streambanks, increase surface water temperatures, disturb non-target riparian vegetation, or concentrate surface runoff, as well as conditions to ensure that any prescribed burning results in less than significant impacts to biological resources. All activities conducted under Category 4 must comply with applicable plans, including environmental documents, timber harvest plans, and the Basin Plan.

Criteria and conditions to protect biological resources during winter operations include those prohibiting: (1) the diversion or obstruction of water flow due to over-snow water crossings; (2) exposure of soils, damage to road surfaces, concentrated flows of runoff or storm water. All waterbodies, stream crossings, and culverts must be clearly marked for equipment operators to ensure these sensitive areas are avoided.

These criteria and conditions ensure that activities conducted under Category 4 will result in less than significant impacts to water quality and biological resources, including habitat.

Monitoring requirements will verify the implementation and adequacy of these conditions and eligibility criteria to ensure that impacts to biological resources are less than significant.

Revised Timber Waiver Category 5 applies only to CAL FIRE-approved timber harvest plans (THPs, NTMP, PTHP, and amendments). CAL FIRE reviews and approves Plans in accordance with the Forest Practice Act of 1973 (FPA) and the California Environmental Quality Act of 1970 (CEQA). CAL FIRE's Plan review process (described below) substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5.

The timber harvest review team is composed of representatives of CAL FIRE, the California Department of Fish and Game (DFG), California Geological Survey (CGS) and the Water Board. Other agencies may participate in the review team, including the California Department of Parks and Recreation, Tahoe Regional Planning Agency, USDI National Park Service, and county planning departments. CAL FIRE chairs the review team and makes the final decisions on the logging procedures included in the Plans. As set forth in the FPRs, California Code of Regulations, title 14, section 1037.5 et seq, the function of the review team is “to assist the [CDF] Director in determining if plans [Plans] are in conformance with [BOF] rules and to evaluate the potential environmental impacts of timber operations.”

In reviewing individual Plans, CAL FIRE complies with the FPA, the FPRs, and CEQA through its certified functional equivalent program. Under the FPA, a Plan must be prepared and signed by a Registered Professional Forester (RPF) and submitted to CAL FIRE for review and approval for each timber harvest. CAL FIRE foresters examine each Plan and determine whether the plan may have a significant impact on the environment and whether it is in compliance with the FPA, CEQA, and other state and federal laws. Taken together, CEQA and the FPRs require that CAL FIRE not approve a plan as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen or avoid the significant environmental impacts of the plan, including those impacts to biological resources, pursuant to California Code of Regulations, title 14, section 896.

Water Board staff, as part of the review process, review individual plans for potential impacts to water quality and beneficial uses of waters of the State (including biological resources). Water Board staff prioritize plan review and inspection based on the proximity of proposed activities to waters of the State. When potential impacts are identified, Water Board staff make recommendations to reduce those impacts to less than significant. For a plan to be eligible for coverage under the revised Timber Waiver all such recommendations must be incorporated into the Plan or the Timber Waiver application.

Timber harvest and vegetation management activities that proceed under Category 5 must install and maintain all watercourse crossings to allow for unrestricted passage of fish during all life stages.

Revised Timber Waiver Category 6 applies to timber harvest and vegetation management activities that do not meet one or more eligibility criteria or conditions of Categories 1 – 5.

Persons seeking coverage under Category 6 of the revised Timber Waiver must submit a complete Category 6 Application Form to Water Board staff. Within this form persons must disclose and discuss potential impacts and appropriate mitigation/protection measures for the following:

- (1) the location of:
  - a. proposed operations,
  - b. all roads, landings, and crossings to be used during the proposed activities,
  - c. all waterbodies within the area,
  - d. all marshes, meadows, spring, and other wet areas within the area, and
  - e. all steep slopes, slides, unstable areas, or erodible soils
- (2) the purpose of the proposed activities and/or silvicultural prescription
- (3) the type of yarding systems and equipment proposed for use
- (4) any proposed landing or skid trail construction or reconstruction within Waterbody Buffer Zones
- (5) if any of the existing roads proposed for use exhibit signs of erosion and delivery to a waterbody
- (6) if there are any other signs of sediment erosion and delivery to waterbodies within or adjacent to the area of the proposed activity

Upon receipt of the waiver application, Water Board staff have 30 days to review the proposal to determine application completeness. Application review will include an assessment (which may include an inspection of the area of the proposed activity) of the application to ensure all potential impacts are accounted for and are avoided or mitigated to less than significant. Water Board staff may request additional information including additional mitigation measures. If impacts are not fully disclosed or mitigated to less than significant Water Board staff will inform the applicant of ineligibility for coverage under the Timber Waiver, and will request a Report of Waste Discharge pursuant to Water Code section 13260. As stated in General Provision 3, the Water Board does not waive the filing of waste discharge or waiver waste discharge requirements for persons proposing or conducting timber harvest and vegetation management activities with impacts that are not mitigated to less than significant levels.

Timber harvest and vegetation management activities that proceed under Category 6 must install and maintain all watercourse crossings to allow for unrestricted passage of fish during all life stages.

The revised Timber Waiver does not alter or weaken requirements for project proponents to comply with existing regulations regarding any species identified as a candidate, sensitive, or special status species that currently apply under the 2007 Timber Waiver. Specifically, General Condition 6 states that the revised Timber Waiver "does not permit any illegal activity, and does not preclude the need for permits which may be required by other local or governmental agencies." Timber harvest activities are subject to environmental impact evaluation and mitigation by the established processes used in planning those activities by the State of California and the Federal government. The California Endangered Species Act also requires measures to minimize and fully mitigate the impacts on endangered species, as do other requirements of the California Department of Fish and Game (CDFG). For example, CDFG Code section 1603 generally prohibits persons from substantially diverting or obstructing the natural flow or substantially changing the bed, channel, or bank of any river, stream, or lake designated by CDFG, or from using any material from the streambeds, unless they have first notified CDFG of the activity. All rivers, streams, and lakes in California have been designated by CDFG, pursuant to California Code of Regulations, title 14, section 720. In addition, Section 1603 generally prohibits persons from commencing any activity affected by Section 1603 until CDFG has found that the activity will not substantially adversely affect an existing fish or wildlife resource, or until CDFG proposals, or the decisions of a panel of arbitrators assembled pursuant to procedures set forth in Section 1603, have been incorporated into the activity. CDFG enters into lake or streambed alteration agreements ("1603 Agreements") with those persons who notify CDFG of their proposed activities pursuant to Section 1603 in cases where CDFG determines the activities may substantially adversely affect an existing fish or wildlife resource.

The revised Timber Waiver does not alter or weaken the requirements of Clean Water Act (CWA) section 404. Unless exempted under 40 Code of Federal Regulations section 232.3, anyone proposing to conduct activities which may result in a discharge to surface waters and which require a federal permit (e.g., activities involving any discharge of dredged or fill material to waters of the United States, subject to U.S. Army Corps of Engineers permitting requirements under Clean Water Act section 404) must obtain from the Water Board a Clean Water Act section 401 Water Quality Certification for those activities requiring an Army Corps of Engineers section 404 Permit.

A Clean Water Act section 401 Water Quality Certification is an order issued by the Water Quality Control Board determining that the proposed activity will not violate water quality standards and will protect the water for beneficial uses. At a minimum, any loss of wetlands must be replaced by a wetland of at least equal function, value and area. General Condition 6 of the revised Timber Waiver stipulates that any activity authorized to proceed under the revised Timber Waiver must obtain such certification from the Water Board prior to discharging. These requirements ensure that impacts to wetlands will remain at less than significant levels if an activity is subject to regulation under a Clean Water Act section 404 permit.

Therefore, any impacts to biological resources in the project area are mitigated by the criteria and conditions contained in the revised Timber Waiver, and by regulations

protecting biological resources that currently exist under the 2007 Timber Waiver. The appropriate finding is **less than significant with mitigation incorporation**.

e-f) The revised Timber Waiver does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. As stated in General Condition 6, the revised Timber Waiver does not preclude the need for permits which may be required by other local or governmental agencies, nor does it allow any illegal activity. The requirements of any habitat conservation plan are not superseded by the revised Timber Waiver. Therefore, the appropriate finding is **no impact**.

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

a-d) The revised Timber Waiver will not alter the need to comply with CEQA, NEPA, and other State and federal laws that require analysis, disclosure, and mitigation of potential impacts to cultural resources to less than significant levels.

The adoption and implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over cultural resources related to vegetation management. Therefore, any impacts to the cultural resources of the project area will not be changed over existing conditions by the adoption and implementation of the revised Timber Waiver, and the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS</b> -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

a i-iii) The revised Timber Waiver does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. Because the project does not involve these factors, the appropriate finding is **no impact**.

a iv) The revised Timber Waiver does not change the exposure of people or structures to potential substantial adverse effects involving landslides due to timber harvest and vegetation management activities over current conditions. The revised Timber Waiver contains criteria and conditions related to activities on steep slopes, slides, and unstable areas similar to those specified in the 2007 Timber Waiver. Because no change in the risk of landslide due to timber harvest and vegetation management activities is foreseeable, the appropriate finding is **no impact**.

b-c) The revised Timber Waiver contains both general conditions and category-specific conditions and criteria to ensure that activities that proceed under the waiver will have less than significant impacts to soil and geological resources, including mitigation measures to prevent substantial soil erosion, loss of topsoil or risks due to unstable soils.

General Conditions 1 and 4 require compliance with the Basin Plan, and prohibit the creation of a pollution, contamination, or nuisance, as defined by the California Water Code section 13050. Compliance with Basin Plan means that water quality objectives and waste discharge prohibitions must not be violated by activities that proceed under the revised Timber Waiver. Region-wide waste discharge prohibitions relevant to soil erosion include those that prohibit discharges of waste (including waste earthen material such as soil, silt, sand, clay, rock, or other organic or mineral material) which violate any numeric or narrative water quality objective, including the Nondegradation Objective. Region-wide water quality objectives (either narrative or numeric) establish standards for constituents that may result from erosion due to timber harvest and vegetation management activities such as sediment, settleable and suspended materials, nondegradation of aquatic communities and populations, and pesticides. Because the revised Timber Waiver prohibits exceedances of these objectives, any impacts from soil erosion due to activities that proceed under the waiver will be less than significant.

The categorical treatment of timber harvest activities further ensures that impacts from soil erosion will be less than significant. Activities eligible for the proposed categories vary in scope from those conducted around existing structures to comply with defensible space mandates (Category 1, very low or no threat to water quality, including degradation due to soil erosion), to commercial timber harvest activities on sensitive lands (Category 5, potentially significant threat to water quality, including degradation due to soil erosion). Category-specific criteria and conditions, including mitigation and monitoring requirements, are scaled to the potential threat to water quality posed by the eligible activities.

Revised Timber Waiver Category 1 covers only activities:

- conducted near structures, or areas zoned as residential, commercial, or industrial
- 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 (CCR), title 14, section 1038, subdivision (i).

Activities conducted under a Forest Fire Prevention Exemption are subject to:

- CCR, title 14, section 1038, subdivision (b)(1), which prohibits tractor or heavy equipment operations on slopes greater than 50%.
- CCR, title 14, section 1038, subdivision (b)(2), which prohibits the construction of new skid trails on slopes greater than 40%.
- CCR, title 14, section 1038, subdivision (b)(4), which prohibits tractor or heavy equipment operations on known slides or unstable areas.
- CCR, title 14, section 1038, subdivision (i)(14), which requires CAL FIRE staff to conduct at least one inspection at the completion of operations.

Category 1 contains additional conditions to ensure soils resources and unstable areas are protected, including conditions requiring the stabilization and minimization of areas disturbed by timber harvest and vegetation management activities. The criteria and conditions of Category 1 limit eligible activities such that their impacts will be less than significant.

Revised Timber Waiver Category 2 covers only those activities that are conducted by hand crews and low-ground-pressure chippers and brush mowers. Category 2 contains criteria and conditions to ensure that hand crew work does not impact soil resources, including conditions prohibiting activities that would erode soil, destabilize streambanks, disturb to non-target riparian vegetation, or concentrate surface runoff. Additional conditions related to prescribed burning are included to protect soil resources. These conditions specify that prescribed burning is not permitted within Waterbody Buffer Zones. Criteria and conditions to avoid impacts to soils (such as compaction) specify that equipment may not be used on saturated soils, and must be limited to existing roads (except for low-ground-pressure chippers and mowers), and that no new landings may be constructed. If wood chipping equipment is used off-road, they must be "low-ground-pressure" equipment, with less than 10 pounds per square inch of pressure to protect soil resources. These criteria and conditions ensure that hand crew work will be self-limiting and will result in less than significant impacts to soil resources, including from erosion, instability, or loss of topsoil.

Revised Timber Waiver 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. As such, these activities will likely decrease impacts to soil resources and unstable areas in the longer term, resulting in less than significant impacts.

Revised Timber Waiver Category 4 applies only to activities that use existing roads and limited winter-period operations. Category 4 contains criteria to ensure impacts to soil resources are less than significant, including those prohibiting: (1) road or water crossing construction or repair beyond the existing road prism except for over-snow watercourse crossings; (2) equipment operation on saturated soils; and (3) mechanical site preparation. Use of low ground pressure equipment (less than 13 pounds per square inch) is only allowed within Waterbody Buffer Zones on dry soils, hard frozen ground or over snow to ensure impacts are less than significant to soils and water resources (USFS 2008, 2009). The criteria also contain the following restrictions to limit impacts to soil resources:

- No timber harvest or vegetation management activities on slopes greater than 60%.
- No tractor, vehicle, or equipment operations on slopes greater than 50%.
- No construction of new skid trails on slopes greater than 40%.
- No construction of landings on slopes greater than 20%.
- No tractor, vehicle, or equipment operations on known slides or unstable areas.
- No tractor, vehicle, or equipment operations on soils with high or extreme erosion hazard rating.

Conditions to protect soil resources during winter operations include those prohibiting: (1) the diversion or obstruction of water flow due to over-snow water crossings; (2) soil compaction, erosion, destabilization of streambanks, temperature increases, disturbance to non-target riparian vegetation, or creation of concentrated surface runoff; (3) exposure of soils, damage to road surfaces, concentrated flows of runoff or storm water. All waterbodies, stream crossings, and culverts must be clearly marked for equipment operators to ensure these sensitive areas are avoided.

Category-specific conditions to protect soils resources include those prohibiting activities which would erode soil, destabilize streambanks, increase surface water temperatures, disturb non-target riparian vegetation, or concentrate surface runoff, as well as conditions to ensure that any prescribed burning results in less than significant impacts to soils resources. All activities conducted under Category 4 must comply with applicable plans, including environmental documents, timber harvest plans, and the Basin Plan. These criteria and conditions ensure that activities conducted under Category 4 will result in less than significant impacts to soil resources.

Monitoring requirements will verify the implementation and adequacy of these conditions and eligibility criteria to ensure that impacts to soils resources are less than significant.

Revised Timber Waiver Category 5 applies only to CAL FIRE-approved timber harvest plans (THPs, NTMP, PTHP, and amendments). CAL FIRE reviews and approves Plans in accordance with the Forest Practice Act of 1973 (FPA) and the California

Environmental Quality Act of 1970 (CEQA). CAL FIRE's Plan review process (described below) substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5.

The timber harvest review team is composed of representatives of CAL FIRE, the California Department of Fish and Game (DFG), California Geological Survey (CGS) and the Water Board. Other agencies may participate in the review team, including the California Department of Parks and Recreation, Tahoe Regional Planning Agency, USDI National Park Service, and county planning departments. CAL FIRE chairs the review team and makes the final decisions on the logging procedures included in the Plans. As set forth in the FPRs (CCR, title 14, Section 1037.5), the function of the review team is “to assist the [CDF] Director in determining if plans [Plans] are in conformance with [BOF] rules and to evaluate the potential environmental impacts of timber operations.”

In reviewing individual Plans, CAL FIRE complies with the FPA, the FPRs, and CEQA through its certified functional equivalent program. Under the FPA, a Plan must be prepared and signed by a Registered Professional Forester (RPF) and submitted to CAL FIRE for review and approval for each timber harvest. CAL FIRE foresters examine each Plan and determine whether the plan may have a significant impact on the environment and whether it is in compliance with the FPA, CEQA, and other state and federal laws. Taken together, CEQA and the FPRs require that CAL FIRE not approve a plan as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen or avoid the significant environmental impacts of the plan, including those impacts to soil and geological resources, pursuant to CCR, title 14, section 896.

Water Board staff, as part of the review process, review individual plans for potential impacts to water quality that may result from soil erosion or destabilization. When potential impacts are identified, Water Board staff makes recommendations to reduce those impacts to less than significant. For a plan to be eligible for coverage under the revised Timber Waiver all such recommendations must be incorporated into the Plan or the Timber Waiver application.

Revised Timber Waiver Category 6 applies to timber harvest and vegetation management activities that do not meet one or more eligibility criteria or conditions of Categories 1 – 5.

Persons seeking coverage under Category 6 of the revised Timber Waiver must submit a complete Category 6 Application Form to Water Board staff. Within this form persons must disclose and discuss potential impacts and appropriate mitigation measures for the following:

- (1) the location of:
  - a. proposed operations,
  - b. all roads, landings, and crossings to be used during the proposed activities,
  - c. all waterbodies within the area,

- d. all marshes, meadows, spring, and other wet areas within the area, and
- e. all steep slopes, slides, unstable areas, or erodible soils
- (2) the purpose of the proposed activities and/or silvicultural prescription
- (3) the type of yarding systems and equipment proposed for use
- (4) any proposed landing or skid trail construction or reconstruction on slopes over 40%, or within Waterbody Buffer Zones,
- (5) if any of the existing roads proposed for use exhibit signs of erosion and delivery to a waterbody
- (6) if there are any other signs of sediment erosion and delivery to waterbodies within or adjacent to the area of the proposed activity

Applicants proposing to prescribe burn within Waterbody Buffer Zones are required to protect soil resources and water quality by preventing erosion in areas disturbed by the activity. Specific conditions of Category 6 pertaining to the prevention of erosion include the requirement that (1) effective waterbreaks must be constructed along firebreaks, and (2) burning activities must not result in the loss of large woody debris stabilizing soils adjacent to waterbodies.

Applicants proposing to place or burn slash piles within Waterbody Buffer Zones must submit the following information regarding areas proposed for burn pile placement:

- (1) soil types
- (2) vegetative cover
- (3) minimum distances from waterbodies
- (4) topography
- (5) percent of area to be burned within the Waterbody Buffer Zone
- (6) explanation why burning piles within the Waterbody Buffer Zone is proposed
- (7) mitigation measures or project features to be implemented to ensure no significant environmental effects will occur

Upon receipt of the waiver application, Water Board staff has 30 days to review the proposal to determine application completeness. Application review will include an assessment (which may include an inspection of the area of the proposed activity) of the application to ensure all potential impacts are accounted for and are avoided or mitigated to less than significant. Water Board staff may request additional information including additional mitigation measures. If impacts are not fully disclosed or mitigated to less than significant Water Board staff will inform the applicant of ineligibility for coverage under the Timber Waiver, and will request a Report of Waste Discharge pursuant to Water Code section 13260. As stated in General Provision 3, the Water Board does not waive the filing of waste discharge or waiver waste discharge requirements for persons purposing or conducting timber harvest and vegetation management activities with impacts that are not mitigated to less than significant levels.

The revised Timber Waiver does not alter or weaken the requirement for project proponents to comply with existing regulations regarding soils resources. Specifically,

General Condition 6 states that the revised Timber Waiver "does not permit any illegal activity, and does not preclude the need for permits which may be required by other local or governmental agencies."

The adoption and implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over soils resources related to vegetation management (e.g., requirements for erosion control or grading ordinances by state, local or federal agencies, or county air districts).

Therefore, any impacts to geology and soils in the project area are mitigated by the criteria and conditions contained in the revised Timber Waiver, and by regulations governing soil erosion that currently exist under the 2007 Timber Waiver. The appropriate finding is **less than significant with mitigation incorporation**.

d) The proposed project does not involve activities such as building construction that are subject to the Uniform Building Code. Because the project does not involve this element, the appropriate finding is **no impact**.

e) The proposed project does not involve septic tanks or alternative wastewater disposal systems. Because the project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
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a-b) Timber harvesting activities can involve the transport and use of materials that would qualify as hazardous pursuant to the California Health and Safety Code section 25501(o). These materials include gasoline and diesel to fuel equipment, hydraulic fluid associated with equipment operations and machinery, and silvicultural herbicides. The presence and use of gasoline, diesel, and hydraulic fluid should be limited to the amounts needed to operate timber harvesting equipment and will not be present in amounts to cause a significant hazard to the public or the environment. The revised Timber Waiver will not alter or weaken the need to comply with existing regulations regarding hazardous materials that currently apply under the 2007 Timber Waiver. However, the revised Timber Waiver contains an addition general condition, General Condition 5 which requires that all equipment used “be monitored for leaks, and removed from service if necessary.” General Condition 5 also requires an emergency spill kit be kept on site at all times of equipment use.

Silvicultural herbicides permitted under this revised Timber Waiver include the dry application of borax and sporax directly to tree stumps. The amounts needed to treat tree stumps are nominal and will not cause a significant hazard to the public or the environment.

As required under the 2007 Timber Waiver other applications of herbicides will not be permitted under the revised Timber Waiver unless the type(s) of herbicide, method and area of application, and measures to assure compliance with the Basin Plan are submitted to Water Board staff prior to the proposed date of application. Water Board staff will not permit herbicide applications under the revised Timber Waiver that will result in a hazard to the public or environment.

The revised Timber Waiver would not weaken the need to comply with existing regulations regarding hazardous materials that currently apply under the 2007 Timber Waiver. Additionally, General Condition 4 states that activities covered under the waiver “must not create a pollution, contamination, or nuisance, as defined by Water Code section 13050, subdivisions (k), (l), and (m).” Therefore, the appropriate finding is **no impact**.

c) The proposed project would not result in the emission or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, the appropriate finding is **no impact**.

- d) The proposed project does not alter or weaken any requirements to identify risks due to hazardous materials sites pursuant to Government Code Section 65962.5. Therefore, the appropriate finding is **no impact**.
- e-f) The proposed project would not result in a change over current conditions related to activities near an airport or airstrip that would result in a safety hazard. Therefore, the appropriate finding is **no impact**.
- g) The proposed project would not interfere with an emergency evacuation or response plan; therefore, the appropriate finding is **no impact**.
- h) The intent of revising the 2007 Timber Waiver is to facilitate fuels reduction activities, and these activities should result in decreased risk of exposure to wildland fires. The appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY</b> -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		X		
j) Inundation by seiche, tsunami, or mudflow?		X		

a, c, d, e, f, i, j ) The revised Timber Waiver contains both general conditions and category-specific conditions and criteria to ensure activities that proceed under the waiver will have less than significant impacts to hydrology and water quality, including to drainage patterns, excessive and/or polluted runoff, on- or off-site erosion or flooding. The revised Timber Waiver also prohibits the violation of any water quality standards or waste discharge requirements.

General Conditions 1 and 4 require compliance with the Basin Plan, and prohibit the creation of a pollution, contamination, or nuisance, as defined by the California Water Code section 13050. Compliance with Basin Plan means that water quality objectives and waste discharge prohibitions must not be violated by activities that proceed under the revised Timber Waiver. Region-wide waste discharge prohibitions to protect water quality include those that prohibit discharges of waste (including waste earthen material such as soil, silt, sand, clay, rock, or other organic or mineral material) which violate any numeric or narrative water quality objective, including the Nondegradation Objective. Region-wide water quality objectives (either narrative or numeric) establish standards for constituents that may result from timber harvest and vegetation management activities such as sediment, settleable and suspended materials, nondegradation of aquatic communities and populations, and pesticides.

The categorical treatment of timber harvest activities further ensures that water quality and hydrology will not be significantly impacted. Activities eligible for the proposed categories vary in scope from those conducted around existing structures to comply with defensible space mandates (Category 1, very low or no threat to water quality), to commercial timber harvest activities on sensitive lands (Category 5, potentially significant threat to water quality requiring mitigation and monitoring). Category-specific criteria and conditions, including mitigation and monitoring, are scaled to the potential threat to water quality posed by the eligible activities.

Revised Timber Waiver Category 1 covers only activities:

- conducted near structures, or areas zoned as residential, commercial, or industrial
- 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 (CCR), title 14, section 1038, subdivision (i).

Activities conducted under a Forest Fire Prevention Exemption are subject to:

- CCR, title 14, section 1038, subdivision (b)(5), which prohibits new road construction or reconstruction.
- CCR, title 14, section 1038, subdivision (b)(6), which prohibits heavy equipment operations near waterbodies, except for the maintenance of roads and drainage facilities or structures.
- CCR, title 14, section 1038, subdivision (b)(9), which prohibits timber harvesting near waterbodies (except for limited sanitation-salvage harvesting), and requires that all trees to be harvested near waterbodies be marked by, or under the supervision of, a Registered Professional Forester prior to operations.
- CCR, title 14, section 1038, subdivision (i)(14), which requires CAL FIRE staff to conduct at least one inspection at the completion of operations.

Category 1 contains additional conditions to ensure water quality is protected, including a condition that prohibits crossing waterbodies (including ephemeral streams) with equipment. To prevent the delivery of sediment to waters of the State, other conditions of Category 1 require the stabilization and minimization of areas disturbed by timber harvest and vegetation management activities. The criteria and conditions of Category 1 limit eligible activities such that their impacts will be less than significant.

Revised Timber Waiver Category 2 covers only those activities that are conducted by hand crews and low-ground-pressure chippers and brush mowers. Category 2 contains criteria and conditions to ensure that hand crew work does not impact water quality and hydrology, including conditions prohibiting activities that would erode soil, destabilize streambanks, increase surface water temperatures, disturb non-target riparian vegetation, or concentrate surface runoff. Any trees planned for removal within a Waterbody Buffer Zone must be marked or supervised by a Registered Professional Forester or federal forestry professional. Additional conditions related to prescribed burning are included to protect water quality. These conditions stipulate that prescribed burning is not permitted within Waterbody Buffer Zones.

Criteria to avoid impacts to water quality specify that equipment may not be used on saturated soils, and must be limited to existing roads (except for low-ground-pressure chippers and mowers), and that no new landings may be constructed. If wood chipping equipment is used off-road, they must be "low-ground-pressure" equipment, with less than 10 pounds per square inch of pressure to protect soil resources, and any impacts to water quality due to soil compaction and excessive

erosion. These criteria and conditions ensure that hand crew work will result in less than significant impacts to water quality and hydrology.

Revised Timber Waiver 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. As such, these activities will likely decrease impacts to water quality and hydrology in the longer term, resulting in less than significant impacts. General conditions of the waiver require that activities are conducted in compliance with the Basin Plan (its water quality standards and waste discharge prohibitions) to ensure impacts to water quality are less than significant.

Revised Timber Waiver Category 4 applies only to activities that are limited to existing roads and limited winter-period operations.

Category 4 contains criteria to ensure impacts to water quality and hydrology are less than significant, including those prohibiting: (1) road or water crossing construction or repair beyond the existing road prism except for over-snow watercourse crossings, (2) equipment operation on saturated soils, (3) herbicide use (except the dry application of borax or sporax directly to stumps); and (4) mechanical site preparation. Use of low ground pressure equipment (less than 13 pounds per square inch) is only allowed within Waterbody Buffer Zones on dry soils, hard frozen ground, or over snow to ensure impacts are less than significant to soils and water resources (USFS 2008, 2009). The criteria also contain the following restrictions to reduce erosion and sediment transport to water bodies:

- No timber harvest or vegetation management activities on slopes greater than 60%.
- No tractor, vehicle, or equipment operations on slopes greater than 50%.
- No construction of new skid trails on slopes greater than 40%.
- No construction of landings on slopes greater than 20%.
- No tractor, vehicle, or equipment operations on known slides or unstable areas.
- No tractor, vehicle, or equipment operations on soils with high or extreme erosion hazard rating.

Conditions to protect water quality during winter operations include those prohibiting: (1) the diversion or obstruction of water flow due to over-snow water crossings; (2) exposure of soils, damage to road surfaces, concentrated flows of runoff or storm water. All waterbodies, stream crossings, and culverts must be clearly marked for equipment operators to ensure these sensitive areas are avoided.

Monitoring requirements will verify the implementation and adequacy of these conditions and eligibility criteria to ensure that impacts to water quality and hydrology are less than significant.

Category-specific conditions to protect water quality include those prohibiting activities which erode soil, destabilize streambanks, increase surface water

temperatures, disturb non-target riparian vegetation, or concentrate surface runoff, as well as conditions to ensure that any prescribed burning results in less than significant impacts to soils resources. All activities conducted under Category 4 must comply with applicable plans, including environmental documents, timber harvest plans, and the Basin Plan. These criteria and conditions ensure that activities conducted under Category 4 will result in less than significant impacts to water quality and hydrology.

Revised Timber Waiver Category 5 applies only to CAL FIRE-approved timber harvest plans (THPs, NTMP, PTHP, and amendments). CAL FIRE reviews and approves Plans in accordance with the Forest Practice Act of 1973 (FPA) and the California Environmental Quality Act of 1970 (CEQA). CAL FIRE's Plan review process (described below) substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5.

The timber harvest review team is composed of representatives of CAL FIRE, the California Department of Fish and Game (DFG), California Geological Survey (CGS) and the Water Board. Other agencies may participate in the review team, including the California Department of Parks and Recreation, Tahoe Regional Planning Agency, USDI National Park Service, and county planning departments. CAL FIRE chairs the review team and makes the final decisions on the logging procedures included in the Plans. As set forth in the FPRs (14 CCR 1037.5), the function of the review team is “to assist the [CDF] Director in determining if plans [Plans] are in conformance with [BOF] rules and to evaluate the potential environmental impacts of timber operations.”

In reviewing individual Plans, CAL FIRE complies with the FPA, the FPRs, and CEQA through its certified functional equivalent program. Under the FPA, a Plan must be prepared and signed by a Registered Professional Forester (RPF) and submitted to CAL FIRE for review and approval for each timber harvest. CAL FIRE foresters examine each Plan and determine whether the plan may have a significant impact on the environment and whether it is in compliance with the FPA, CEQA, and other state and federal laws. Taken together, CEQA and the FPRs require that CAL FIRE not approve a plan as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen or avoid the significant environmental impacts of the plan, including those impacts to water quality and hydrology, pursuant to California Code of Regulations, title 14, section 896.

Water Board staff, as part of the review process, review individual plans for potential impacts to water quality and hydrology. When potential impacts are identified, Water Board staff makes recommendations to reduce those impacts to less than significant. For a plan to be eligible for coverage under the revised Timber Waiver all such recommendations must be incorporated into the Plan or the Timber Waiver application.

Revised Timber Waiver Category 6 applies to timber harvest and vegetation management activities that do not meet one or more eligibility criteria or conditions of Categories 1 – 5.

Persons seeking coverage under Category 6 of the revised Timber Waiver must submit a complete Category 6 Application Form to Water Board staff. Within this form persons must disclose and discuss potential impacts and appropriate mitigation/protection measures for the following:

- (1) the location of:
  - a. proposed operations,
  - b. all roads, landings, and crossings to be used during the proposed activities,
  - c. all waterbodies within the area,
  - d. all marshes, meadows, spring, and other wet areas within the area, and
  - e. all steep slopes, slides, unstable areas, or erodible soils
- (2) the purpose of the proposed activities and/or silvicultural prescription
- (3) the type of yarding systems and equipment proposed for use
- (4) any proposed landing or skid trail construction or reconstruction within Waterbody Buffer Zones
- (5) if any of the existing roads proposed for use exhibit signs of erosion and delivery to a waterbody
- (6) if there are any other signs of sediment erosion and delivery to waterbodies within or adjacent to the area of the proposed activity

Applicants proposing to prescribe burn within Waterbody Buffer Zones are required to (1) construct effective waterbreaks along firebreaks, (2) prevent the loss of large woody debris stabilizing soils adjacent to waterbodies, and (3) leave the area in a condition such that ash, soils, and/or debris will not discharge to a waterbody. These conditions will prevent significant impact to water quality and the drainage patterns of areas disturbed by the burning activities.

Applicants proposing to place or burn slash piles within Waterbody Buffer Zones must submit the following information regarding areas proposed for burn pile placement:

- (1) soil types
- (2) vegetative cover
- (3) minimum distances from waterbodies
- (4) topography
- (5) percent of area to be burned within the Waterbody Buffer Zone
- (6) explanation why burning piles within the Waterbody Buffer Zone is proposed
- (7) mitigation measures or project features to be implemented to ensure no significant environmental effects will occur

Upon receipt of the waiver application, Water Board staff has 30 days to review the proposal to determine application completeness. Application review will include an assessment (which may include an inspection of the area of the proposed activity) of

the application to ensure all potential impacts are accounted for and are avoided or mitigated to less than significant levels. Water Board staff may request additional information including additional mitigation measures. If impacts are not fully disclosed and mitigated to less than significant levels, Water Board staff will inform the applicant of ineligibility for coverage under the Timber Waiver, and will request a Report of Waste Discharge pursuant to Water Code section 13260. As stated in General Provision 3, the Water Board does not waive the filing of waste discharge or waiver waste discharge requirements for persons proposing or conducting timber harvest and vegetation management activities with impacts that are not mitigated to less than significant levels.

The revised Timber Waiver does not alter or weaken the requirement for project proponents to comply with existing regulations regarding soils resources that currently apply under the 2007 Timber Waiver. Specifically, General Condition 6 states that the revised Timber Waiver "does not permit any illegal activity, and does not preclude the need for permits which may be required by other local or governmental agencies."

Conditions that apply to all revised Timber Waiver categories prohibit adverse impacts to water quality resulting from discharges associated with timber harvest activities. The revised Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions. The Water Board or its Executive Officer may terminate eligibility for coverage under the revised Timber Waiver at any time for a particular activity if the eligibility criteria are not met or the conditions not followed. The Water Board or its Executive Officer may also take enforcement actions in accordance with the California Water Code to ensure actions are taken to prevent or correct water quality impacts. Therefore, the appropriate finding is **less than significant with mitigation incorporation**.

b) The revised Timber Waiver does not involve activities that could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The appropriate finding is **less than significant impact**.

g, h) The revised Timber Waiver does not involve placing housing or structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Because the project does not involve this element, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING -</b> Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

a-b) The proposed project does not divide an established community or involve land use planning or policy. Because the project does not involve these elements, the appropriate finding is **no impact**.

c) The adoption and implementation of the revised Timber Waiver does not change the regulatory requirements, statutory authorities, or enforcement abilities of the Water Board, nor does it alter or weaken the requirements of any applicable conservation plan that may apply to vegetation management activities. Therefore, existing conditions related to habitat or natural community conservation plans will not be changed by the adoption of the revised Timber Waiver, and the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>X. MINERAL RESOURCES</b> -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

a-b) The proposed project does not involve mineral resources; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. NOISE:</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

a-f) The proposed project does not change the exposure of people to potential adverse effects involving noise due to vegetation management activities over current conditions. Noise levels due to vegetation removal activities in the project area will remain the same whether or not the revised Timber Waiver is adopted and implemented. Changes in the revised Timber Waiver do not impact noise levels from timber harvest and vegetation management activities. Because no change is foreseeable, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING --</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

a-c) The proposed project does not involve construction of new homes, businesses, or infrastructure. The project would also not displace people or existing housing. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

a) The proposed project does not involve new or physically altered government facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIV. RECREATION --</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
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a-b) The proposed project does not involve increasing the use of recreational facilities, or require construction or expansion of recreational facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC --</b> Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
racks)?				

a-b) The proposed project would not cause an increase in traffic or exceed a level of service due to vegetation management activities over current conditions. Traffic levels related to vegetation management activities in the project area will remain the same whether or not the revised Timber Waiver is adopted and implemented. Because no change is foreseeable, the appropriate finding is **no impact**.

c) The proposed project does not involve air traffic. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

d) The proposed project does not involve installation of hazardous design features. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

e-f) The proposed project does not affect emergency access or parking capacity; therefore, the appropriate finding is **no impact**.

g) The proposed project does not involve alternative transportation. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

a-c) The proposed project does not involve the expansion or construction of wastewater or storm water treatment facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

d) The proposed project does not change the need for water supplies due to vegetation management activities over current conditions. The need for water supplies to serve vegetation removal activities (e.g., for dust abatement) in the project area will remain the same whether or not the revised Timber Waiver is adopted and implemented. Because no change is foreseeable, the appropriate finding is **no impact**.

e) The proposed project does not require service by wastewater treatment facilities. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

f) The proposed project would not affect solid waste generation or landfill capacities over current conditions. Because no change is foreseeable, the appropriate finding is **no impact**.

g) The proposed project will not involve solid waste and is not subject to federal, state, and local statutes and regulations related to solid waste, therefore the appropriate finding is **no impact**.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

a) Timber harvest and vegetation management activities have the potential to degrade the quality of the environment; however, conditions and criteria that apply to all revised Timber Waiver categories mitigate significant adverse impacts from discharges associated with timber harvest activities to less than significant levels. The revised Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions.

General Provision 3 of the revised Timber Waiver states that this project (the revised Timber Waiver) does not waive the filing of a report of waste discharge or waive waste discharge requirements for persons proposing or conducting timber harvest and vegetation management activities with impacts that are not mitigated to less than significant levels. Therefore activities that involve potentially significant impacts that are

not mitigated to less than significant levels are ineligible for coverage under the revised Timber Waiver and are not to be considered part of this project.

The Water Board determines that timber harvest activities conducted in compliance with the six categories of the revised Timber Waiver will not adversely affect the quality or the beneficial uses of the waters of the State, and will be in the public interest pursuant to California Water Code (Water Code) section 13269. In addition to the environmental protection afforded by the adoption of this revised Timber Waiver, the Water Board will continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes described in this Initial Study.

Therefore, the appropriate finding is **less than significant with mitigation incorporation.**

b) Timber harvest activities could have impacts that are individually limited, but cumulatively considerable; however, conditions and criteria that apply to all revised Timber Waiver categories mitigate significant cumulative adverse impacts from discharges associated with timber harvest activities to less than significant levels. The revised Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions. Therefore, activities conducted in compliance with the Timber Waiver conditions will not contribute to cumulative impacts.

The Water Board determines that timber harvest activities conducted in compliance with the six categories of the revised Timber Waiver will not adversely affect the quality or the beneficial uses of the waters of the State, and will be in the public interest pursuant to Water Code section 13269. In addition to the environmental protection afforded by the adoption of this revised Timber Waiver, the Water Board will continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes described in this Initial Study. Therefore, the appropriate finding is **less than significant with mitigation incorporation.**

c) It is unlikely that timber harvest activities could have environmental effects which may cause substantial adverse effects on human beings, either directly or indirectly. However, conditions and criteria that apply to all revised Timber Waiver categories mitigate significant cumulative adverse impacts from discharges associated with timber harvest activities to less than significant levels. The revised Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions.

The Water Board determines that timber harvest activities conducted in compliance with the six categories of the revised Timber Waiver described in this revised Timber Waiver will not adversely affect the quality or the beneficial uses of the waters of the State and is in the public interest pursuant to Water Code section 13269. Therefore, the appropriate finding is **less than significant.**

**DETERMINATION (To be completed by the Lead Agency)**

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

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Date

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