



STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2021-0026-DWQ

**GENERAL WASTE DISCHARGE REQUIREMENTS FOR
VEGETATION TREATMENT ACTIVITIES CONDUCTED IN CONFORMANCE WITH THE
CALIFORNIA VEGETATION TREATMENT PROGRAM**



Final - July 6, 2021

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ACRONYMS AND ABBREVIATIONS

| | |
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| Basin Plan | Water Quality Control Plan |
| BOF | Board of Forestry and Forest Protection |
| CAL FIRE | California Department of Forestry and Fire Protection |
| CaIVTP | California Vegetation Treatment Program |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| FPEIR | California Vegetation Treatment Program Final Program Environmental Impact Report |
| MM | Mitigation Measure |
| NPDES | National Pollutant Discharge Elimination System |
| PRC | Public Resources Code |
| PSA | Project Specific Analysis |
| Regional Water Board | Regional Water Quality Control Board |
| ROWD | Report of Waste Discharge |
| SPR | Standard Project Requirement |
| SRA | State Responsibility Area |
| State Water Board | State Water Resources Control Board |
| WDRs | Waste Discharge Requirements |
| WUI | Wildland Urban Interface |

FINDINGS

The State Water Resources Control Board (State Water Board) finds that:

1. California has had an increase in wildfire intensity and frequency in recent years due to drought, tree mortality due to pests, climate change, fuel accumulation, and fire suppression.
2. More than 25 million acres of California within the State Responsibility Area (SRA) are classified as high, very high, or extreme fire hazard severity, and approximately 25% of California residents live in these high-risk areas.
3. Wildfire prevention and mitigation are goals of the state as established in the following Executive Orders and Action Plan.
 - a. On September 1, 2017, Governor Brown issued Executive Order B-42-17 to bolster the state's response to unprecedented tree die-off by expediting removal of millions of dead and dying trees across the state.
 - b. On May 18, 2018, Governor Brown issued Executive Order B-52-18 to support the state's resilience to wildfire and other climate impacts, to address extensive tree mortality, increase forests' capacity for carbon capture, and to improve forest and forest fire management. The Executive Order, in part, required the California Natural Resources Agency (CNRA) in coordination with the California Board of Forestry and Fire Protection (BOF or Board of Forestry), California Department of Forestry and Fire Protection (CAL FIRE), and other agencies, to increase the pace and scale of forest treatments on state and private lands from 250,000 to 500,000 acres per year to reduce wildfire risk.
 - c. On January 9, 2019, Governor Newsom issued Executive Order N-05-19, directing CAL FIRE to recommend immediate-, medium-, and long-term actions to help prevent destructive wildfires.
 - d. On January 8, 2021, the Governor's Forest Management Task Force issued the Wildfire and Forest Resilience Action Plan, a comprehensive plan to reduce wildfire risk for vulnerable communities, improve the health of forests and wildlands, accelerate action to combat climate change, and increase the pace and scale of forest and wildland management to meet the state's target of completing projects on 500,000 acres annually by 2025 and expanding the use of prescribed fire, particularly on state-owned lands.
4. In August 2020, Governor Newsom signed a Memorandum of Understanding with the United States Department of Agriculture, Forest Service, Pacific Southwest Region (USFS) to maintain and restore healthy forests and rangelands that reduce public safety risks, protect natural and built infrastructure, and enhance ecological habitat and biological diversity. The MOU commits the State of California and the USFS to scale up vegetation treatment to one million acres of forest and wildlands annually by 2025, committing to each sustainably treat 500,000 acres per year.

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5. The California Board of Forestry and Fire Protection (BOF) developed the California Vegetation Treatment Program (CalVTP) to streamline implementation of vegetation treatment activities within the “treatable landscape,” which is primarily contained within the SRA, to reduce the risk of loss of lives and property, reduce fire suppression costs, restore ecosystems, and protect natural resources as well as other assets at risk from wildfire. The treatable landscape and the SRA do not include lands under the responsibility of local or federal agencies.
6. Under these General Waste Discharge Requirements for Vegetation Treatment Activities Conducted in Conformance with the California Vegetation Treatment Program (hereafter “General Order”), and as defined in the CalVTP, vegetation treatment activities include any, or a combination of, the following:
 - a) prescribed pile burning and broadcast burning,
 - b) mechanical treatment to cut, uproot, crush/compact, or chop existing vegetation,
 - c) manual treatment to cut, clear, or prune herbaceous or woody species,
 - d) prescribed herbivory to reduce target plant populations,
 - e) ground-level application of herbicides, and
 - f) maintenance of vegetation treatment activities.
7. Vegetation treatment activities can result in discharge of waste¹ to waters of the state² such as soil, silt, sand, clay, rock, felled trees, slash, sawdust, bark, ash, other earthen or organic material, bacteria, pesticides, herbicides, and petroleum products. Vegetation treatment activities can also reduce canopy cover in the riparian zone, leading to an increase of temperature in waters of the state. For purposes of this General Order, wastes resulting from vegetation treatment activities are herein referred to as "vegetation treatment wastes."
8. The BOF prepared a Program Environmental Impact Report (FPEIR) for the CalVTP that evaluated impacts from proposed vegetation treatment projects conducted in the treatable landscape. The BOF incorporated standard project requirements (SPRs) and mitigation measures (MMs) into the CalVTP FPEIR to reduce environmental impacts from vegetation treatment activities, including impacts to water quality. The BOF certified the Final Program Environmental Impact Report (FPEIR) for CalVTP on December 30, 2019.
9. The CalVTP requires project proponents to complete a Project Specific Analysis (PSA), the goal of which is to confirm that the proposed vegetation treatment project is consistent with the environmental impacts assessed in the CalVTP FPEIR. For purposes of this General Order, conformance with the CalVTP means that a project proponent has completed a PSA, identified sufficient SPRs and MMs to avoid or mitigate environmental impacts, and made a finding that the proposed treatment project is within the scope of the CalVTP FPEIR. In addition, conformance with the CalVTP also includes projects for which a finding is made that project areas outside the treatable landscape will not result in any new or

¹ Water Code section 13050(d)

² Water Code section 13050(e)

substantially more severe significant impacts than described in the CalVTP FPEIR and that none of the conditions described in State CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred, and that an ADDENDUM has been adopted to address the project areas outside the treatable landscape.

10. Along with identification of SPRs and MMs, the PSA includes information about project size, treatment type, and contact information. The CalVTP also requires project proponents to prepare a completion report at the end of the project. The BOF will make the PSA and the completion report available to the State Water Board via an online database or other mechanism.
11. This General Order represents the State Water Board's initial step to support the increased pace and scale of vegetation treatment from baseline levels toward the goals listed in the Governor Executive Orders above, as well as the Wildfire and Forest Resilience Action Plan. The State Water Board acknowledges that as the CalVTP evolves, this General Order should be reviewed to determine whether any revisions are necessary to protect water quality while supporting vegetation treatment program goals.
12. For purposes of this General Order, the term "discharger" includes the landowner and anyone else, if not the landowner, implementing or proposing to implement vegetation treatment activities in conformance with the CalVTP.
13. This General Order applies to dischargers implementing vegetation treatment activities in conformance with the CalVTP, either on public land or under contract or grant from a public agency on private land, where the vegetation treatment activity is intended to reduce the risk of wildfire, reduce greenhouse gases, or help manage natural and working lands, and which is not a timber operation as defined by the Forest Practice Act (Public Resources Code section 4527 of the Forest Practice Act).
14. This General Order does not provide Water Board approval of aerial spraying of herbicides or pesticides; construction or reconstruction of new or existing permanent or temporary roads, landings, or watercourse crossings; or timber operations as defined by Public Resources Code section 4527 of the Forest Practice Act, nor does it authorize vegetation treatment activities on lands under federal or local responsibility.
15. California Water Code (Water Code), section 13260, subdivision (a)(1), requires any person (including any city, county, district, or other entity) discharging, or proposing to discharge, wastes within the State of California that could affect the quality of waters of the state, other than into a community sewer system, to file a Report of Waste Discharge (ROWD) with the Water Board.
16. Water Code, section 13264, subdivision (a) prohibits waste discharge without the discharger submitting a report of waste discharge (ROWD) and the Regional Water Board adoption of WDRs. The formal process of dischargers preparing a ROWD and the Regional Water Board adopting WDRs is a several-month long process that would unduly delay implementation of vegetation treatment projects. A General Order for vegetation treatment activities, therefore, reduces the time to receive Regional Water Board approval for vegetation treatment projects and meets the directions of EO B-52-18 to reduce barriers to entry for forest health and fuels reduction projects.

17. A satisfactory Project Specific Analysis developed by a project proponent in conformance with the CalVTP FPEIR that has either A) a finding that the project is “within the scope” of the CalVTP FPEIR or B) a finding that the project areas outside the CalVTP treatable landscape will not result in any new or substantially more severe significant impacts described in the CalVTP FPEIR and that none of the conditions described in State CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred, and that an ADDENDUM has been adopted to address the project areas outside the treatable landscape, satisfies the requirement to submit a ROWD.
18. Water Code section 13263, subdivisions (a) and (d) require that the State Water Board or a Regional Water Board (collectively referred to as “Water Boards”) adopt discharge requirements for any existing or proposed waste discharges within its area of jurisdiction, except discharges into a community sewer system, even if no ROWD has been filed.
19. Issuing individual water quality orders for vegetation treatment activities regionally or for each project under the CalVTP may impede progress toward fulfilling the goal of Executive Order B-52-18 to treat 500,000 acres per year. Therefore, development of a General Order for vegetation treatment activities supports the goal of increasing the pace and scale of vegetation treatments.
20. Water Code section 13263, subdivision (i), provides the State Water Board with authority to issue general waste discharge requirements for a category of discharges if the State Water Board finds or determines that all of the following criteria apply to the discharges in that category:
 - a) The discharges are produced by the same or similar operations.
 - b) The discharges involve the same or similar types of waste.
 - c) The discharges require the same or similar treatment standards.
 - d) The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.
21. Discharges to waters of the state from vegetation treatment activities described in this General Order are similar and consistent in nature and are not expected to vary significantly across different landscapes and regions. Discharges from vegetation treatment activities have the same or similar constituents and concentrations of constituents, including sediment, vegetative material, herbicides and pesticides, bacteria, nutrients, and petroleum products. Vegetation treatment activities require the same or similar treatment or control methods regardless of location. These types of discharges are more appropriately regulated under general WDRs because individual WDRs for each site-specific project would be virtually identical.
22. Several Regional Water Boards have adopted conditional waivers of WDRs or WDRs for vegetation management activities, some of which permit the discharge of vegetation treatment wastes, but the requirements of these orders differ for each Regional Water Board. This General Order provides statewide conditions allowing for efficient oversight of vegetation treatment activity impacts to ensure adequate protection of waters of the state. If a discharge is covered by a Regional Water Board Order for disposal of vegetation treatment wastes, the operation may continue under that authority until those orders expire

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or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will use this General Order for permitting the discharge of vegetation treatment waste described in this General Order and that are in conformance with the CalVTP. Any vegetation treatment projects with actions and activities not authorized in this General Order should still apply for coverage under the appropriate regional orders.

23. The State Water Board notified the public, as well as governmental agencies and interested persons of its intent to adopt a General Order and provided them the opportunity to attend a public meeting and submit their written comments and recommendations.
24. This General Order does not supersede any federal, state, or local law or regulation. The State Water Board, in a public meeting, heard and considered all comments pertaining to this matter.
25. Pursuant to Water Code section 13263, subdivision (g), waste discharges to waters of the state are a privilege, not a right, and adoption of this General Order does not create a vested right to continue any discharge.
26. All WDRs must implement the applicable Regional Water Board's Basin Plan for the region in which the discharge occurs; therefore, this General Order requires dischargers to comply with all applicable Basin Plan requirements and water quality objectives governing the discharge. In the event of a conflict between the requirements of this General Order and the Basin Plan, the more stringent requirement prevails.
27. The issuance of this General Order is consistent with the goal to protect waters of the state, while considering economic and environmental impacts as stated in the Strategic Plan of the Water Boards and Water Code section 13263, subdivision (a).
28. Water Code section 13263, subdivision (a) requires consideration of several factors described in Water Code section 13241 when adopting waste discharge requirements. including: (a) the past, present, and probable future beneficial uses of water (b) the environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto (c) the water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area (d) economic considerations (e) the need for developing housing within the region(s), and (f) the need to develop and use recycled water. The issuance of this General Order will be protective of all beneficial uses of water regardless of the characteristics of the waterbody type and current or expected water quality conditions. The General Order does not require any more or less than what is required by the CalVTP and therefore is not expected to have an economic impact. The General Order is not expected to have an impact on housing or recycled water.
29. Pursuant to Water Code, section 106.3, the state statutorily recognizes that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. This General Order protects the human right to water by establishing conditions that reduce or prevent vegetation treatment waste, thereby contributing to efforts to maintain high quality drinking water for Californians.

30. Failure to prevent conditions that create or threaten to create pollution or nuisance or that may unreasonably degrade waters of the state will be sufficient reason to modify, revoke, or enforce this General Order.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

31. The BOF approved the CalVTP and certified the FPEIR on December 30, 2019. The BOF prepared the CalVTP FPEIR according to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Section 15000 et seq.). The BOF found, and the State Water Board agrees, that implementation of the CalVTP could result in significant and unavoidable, as well as potentially significant and unavoidable, environmental impacts, as summarized in Appendix 2 of this General Order. The FPEIR incorporates standard project requirements and mitigation measures into the CalVTP for reducing environmental impacts.
32. The State Water Board reviewed and considered the FPEIR certified by the BOF as required by CEQA Guidelines sections 15050 and 15096. Mitigation measures have either (1) been incorporated into this General Order if related to water quality or (2) are within the responsibility of another responsible agency (CEQA Guidelines sections 15096(h) and 15091). A statement of overriding considerations is appropriate for this project for the reasons specified in the CalVTP and associated documents prepared by the BOF (CEQA Guidelines sections 15096(h) and 15093). The State Water Board will file a Notice of Determination for this project consistent with CEQA Guidelines sections 15094(b) and 15096(i).

ANTIDegradation ANALYSIS

33. State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality Waters in California, the state's "Antidegradation Policy") provides that high quality waters of the state must be maintained unless it is demonstrated that any degradation will be consistent with the maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality worse than that described in the Regional Water Board's policies. The Antidegradation Policy further requires that dischargers comply with WDRs which will result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that pollution or nuisance will not occur. This General Order requires compliance with all water quality policies, including the Antidegradation Policy. The implementation of the General Order requirements constitutes BPTC.
34. This General Order is consistent with the Antidegradation Policy because it includes conditions that require dischargers to minimize or eliminate discharges of vegetation treatment waste to waters of the state. In addition, most vegetation treatment activities that would be eligible for this General Order are temporary. Where activities would result in longer lasting changes to the environment, such as fuel breaks and fuels reduction at the wildlife-urban interface, they are necessary to provide maximum benefit to the state. Fire prevention activities minimize the human, water quality, and environmental damage caused by wildfire. The intent of the vegetation treatment activities authorized by this General Order are to return the landscape to a more resilient fire regime, which is more favorable to

supporting beneficial uses of waters and maintaining water quality than the fire regime condition classes currently observed on the landscape today. For these reasons, any degradation of water quality that may occur as a result of the activities regulated under this General Order is consistent with maximum benefit to the people of the State.

REQUIREMENTS OF THE ORDER

IT IS HEREBY ORDERED, pursuant to Water Code section 13263 the Discharger, its agents, successors, and assigns, in order to meet the provisions contained in division 7 of the Water Code and regulations adopted hereunder, shall comply with the following:

- A. Prepare a Project Specific Analysis (PSA) in conformance with the Board of Forestry (BOF) California Vegetation Treatment Program (CaVTP) to assess the potential environmental impacts of the proposed vegetation treatment project and identify the standard project requirements (SPRs) and mitigation measures (MMs) for reducing or avoiding environmental impacts.
- B. Ensure applicable SPRs and MMs from the CaVTP FPEIR are identified in the PSA to ensure no exceedances of water quality objectives and no adverse impacts to water quality result from the proposed project will occur. These SPRs and MMs may include:

| SPR/MM Number | SPR Description |
|----------------------|---|
| SPR AD-2 | Delineate Protected Resources |
| SPR AD-5 | Maintain Site Cleanliness |
| SPR AD-7 | Provide Information on Proposed, Approved, and Completed Treatment Projects |
| SPR AD-8 | Request Access for Post-Treatment Assessment |
| SPR AQ-3 | Create Burn Plan |
| SPR AQ-4 | Minimize Dust |
| SPR BIO-4 | Design Treatment to Avoid Loss or Degradation of Riparian Habitat Function |
| SPR GEO-1 | Suspend Disturbance during Heavy Precipitation |
| SPR GEO-2 | Limit High Ground Pressure Vehicles |
| SPR GEO-3 | Stabilize Disturbed Soil Areas |
| SPR GEO-4 | Erosion Monitoring |
| SPR GEO-5 | Drain Stormwater via Water Breaks |
| SPR GEO-6 | Minimize Burn Pile Size |
| SPR GEO-7 | Minimize Erosion |
| SPR GEO-8 | Steep Slopes |
| SPR HAZ-1 | Maintain All Equipment |
| SPR HAZ-2 | Require Spark Arrestors |
| SPR HAZ-3 | Require Fire Extinguishers |
| SPR HAZ-5 | Spill Prevention and Response Plan |
| SPR HAZ -6 | Comply with Herbicide Application Regulations |
| SPR HAZ-7 | Triple Rinse Herbicide Containers |
| SPR HAZ-8 | Minimize Herbicide Drift to Public Areas |

| SPR/MM Number | SPR Description |
|---------------|--|
| SPR HYD-2 | Avoid Construction of New Roads |
| SPR HYD-3 | Water Quality Protections from Prescribed Herbivory |
| SPR HYD-4 | Identify and Protect Watercourse and Lake Protection Zones (WLPZs) |
| SPR HYD-5 | Protect Non-Target Vegetation and Special-Status Species from Herbicides |
| SPR HYD-6 | Protect Existing Drainage Systems |
| MM BIO-3c | Compensate for Unavoidable Loss of Riparian Habitat |
| MM BIO-4 | Avoid State and Federally Protected Wetlands |
| MM HAZ-3 | Identify and Avoid Known Hazardous Waste Sites |

- C. Make a finding in the PSA, supported by substantial evidence, that the project is either 1) within the scope of the CalVTP FPEIR, or 2) that the project areas outside the treatable landscape will not result in any new or substantially more severe significant impacts described in the CalVTP FPEIR and that none of the conditions described in State CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred, and that an ADDENDUM has been adopted to address the project areas outside the treatable landscape.
- D. Implement all SPRs and MMs identified in the PSA.
- E. Allow Water Boards reasonable access to the treated area to assess compliance with this General Order. Retain onsite and make available for inspection upon Water Board request any inspection reports, monitoring data, and/or other information or reports developed in support of the project.
- F. Comply with all applicable requirements and prohibitions of the applicable Basin Plan, any amendments adopted and approved by the State Water Board, and with all applicable policies adopted by the State Water Board.

PROHIBITIONS

1. The discharge of any waste not specifically regulated by this General Order is prohibited unless (a) the discharger first complies with Water Code section 13260(a) and a regional board either issues WDRs pursuant to Water Code section 13263 or an individual (conditional) waiver pursuant to Water Code section 13269; or (b) the discharge does not create or threaten to create a condition of pollution or nuisance and the timeframes in Water Code section 13264(a) have lapsed.
2. Vegetation treatment activities that create, or contribute to, conditions that violate applicable Basin Plan waste discharge prohibitions, water quality objectives, or other requirements are prohibited.
3. Vegetation treatment activities that create or contribute to, a condition of pollution, contamination, or nuisance as defined by Water Code section 13050 are prohibited.
4. Vegetation treatment activities must not cause or create erosion, destabilization of stream banks, temperature increases in waterbodies, disturbance to non-target vegetation that impacts waters of the state, or concentrated surface runoff.

5. The construction or reconstruction of new or existing roads, including permanent and temporary roads, is prohibited.
6. Aerial spraying of herbicides is prohibited.
7. Removal of trees for commercial purposes (timber harvesting) is prohibited.

CERTIFICATION


The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 6, 2021.

AYE: Chair E. Joaquin Esquivel
 Vice Chair Dorene D'Adamo
 Board Member Sean Maguire
 Board Member Laurel Firestone
 Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

APPENDIX 1 – DEFINITIONS

Beneficial Uses – Pursuant to division 7, section 13050, subdivision (f) of the Water Code. “Beneficial uses” of water of the state that may be protected against degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

California Environmental Quality Act (CEQA) - Refers to the statute promulgated in Public Resources Code, beginning with section 21000, and regulations promulgated in California Code of Regulations, title 14, chapter 3, beginning with section 15000, requiring state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

Commercial purposes – Pursuant to Division 4, section 4527 of the Public Resources Code, “commercial purposes” includes (A) the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or (B) the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber that are subject to Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.

Discharger - The term “discharger” includes the landowner and anyone else, if not the landowner, implementing or proposing to implement vegetation treatment activities in conformance with the CalVTP.

Manual Treatment – Use of hand tools and hand-operated power tools to cut, clear, or prune herbaceous or woody species.

Mechanical Treatment – Use of motorized equipment to cut, uproot, crush/compact, or chop existing vegetation.

Nuisance - Means anything which meets all of the following requirements:

- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (3) Occurs during, or as a result of, the treatment or disposal of wastes.

Defined in section 13050, subdivision (m) of the Water Code.

Pesticides – Means, for the purposes of this General Order, herbicides, insecticides, fungicides, and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi, or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code section 12753, and Basin Plan Chapter 3).

Pollution - means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:

- (A) The waters for beneficial uses.
 - (B) Facilities which serve these beneficial uses.
- (2) "Pollution" may include "contamination."

Defined in section 13050, subdivision (l) of the Water Code.

Prescribed Burning – Includes pile burning (prescribed burning of piles of vegetative material to reduce fuel and/or remove biomass following treatment) and broadcast burning (prescribed burning to reduce fuels over a larger area or restore fire resiliency in target fire-adapted plant communities).

Prescribed Herbivory – Use of domestic livestock to reduce a target plant population thereby reducing fire fuels or competition of desired plant species.

Project Proponent – A public agency with land ownership, land management or other regulatory responsibility that is seeking to implement or provide funding for vegetation treatments consistent with the CalVTP FPEIR. The Project Proponent and the Discharger may or may not be the same entity.

Regional Water Quality Control Board (Regional Water Board) - All references to a Regional Water Board, include the Executive Officer, who may act for the Regional Water Board in carrying out this General Order. (Wat. Code, § 13050, subd. (b) & § 13223.)

State Responsibility Area (SRA) – Areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the BOF pursuant to Section 4125, to be primarily the responsibility of the state (PRC 4102).

Timber Operations - Pursuant to section 4527 of the Public Resources Code, "Timber operations" means the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory work such as tree marking, surveying, or road flagging.

Treatable Landscape – The portion of the SRA where vegetation conditions are suitable for treatment (approximately 20.3 million acres).

Vegetation Treatment Activities – Fire hazard abatement and fuel reduction activities including prescribed burning (Including pile burning and broadcast burning), mechanical treatment, manual treatment, prescribed herbivory, and herbicide application to inhibit growth of target plant species, as more fully described in the CalVTP FPEIR.

Vegetation Treatment Waste - Soil, silt, bark, slash, sawdust, or other earthen or organic material other than large woody debris; herbicides and pesticides; petroleum products, oil, and grease; livestock feces; temperature.

Water Quality Control Plan (Basin Plan) - Defined in division 7, section 13050, subdivision (j) of the Water Code.

Water Boards - Refers collectively to the State Water Resources Control Board and the nine Regional Water Quality Control Boards.

Waste - Sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal. Defined in Water Code section 13050, subdivision (d).

Water Quality Objectives - Limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area. Defined in Water Code section 13050, subdivision (h).

Waters of the state - Any surface water or groundwater, including saline waters, within the boundaries of the state. Defined in Water Code section 13050, subdivision (e).

APPENDIX 2 – CEQA

The Board of Forestry and Fire Protection (BOF) adopted the California Vegetation Treatment Program (CalVTP) Final Program Environmental Impact Report (FPEIR) in December 2019. The BOF prepared the CalVTP FPEIR according to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Section 15000 et seq.) under the direction of the BOF and in cooperation with the California Department of Forestry and Fire Protection (CAL FIRE).

The CalVTP is designed to promote vegetation management on up to 250,000 acres on 20.3 million acres of the roughly 30 million acres of SRA in California to reduce wildfire risk and protect life, property, and natural resources. Vegetation treatment activities include prescribed burning, mechanical treatment of vegetation, manual treatment of vegetation, prescribed herbivory and herbicide application.

Several significant impacts related to water quality were identified in the CalVTP FPEIR. A summary of the potentially significant impacts and mitigation measures for all environmental categories is presented below:

| CalVTP FPEIR Impact Number | Impact | Mitigation Measure | Significance after Mitigation |
|---|-------------------------|--|---|
| Impact AES-3: Long-Term Substantial Degradation of a Scenic Vista or Visual Character or Quality of Public Views, or Damage to Scenic Resources in a State Scenic Highway from the Non-Shaded Fuel Break Treatment Type | Potentially Significant | Mitigation Measure AES-3: Conduct Visual Reconnaissance for Non-Shaded Fuel Breaks and Relocate or Feather and Screen Publicly Visible Non-Shaded Fuel Breaks Additional measures not feasible | Significant and unavoidable |
| Impact AQ-1: Generate Emissions of Criteria Air Pollutants and Precursors during Treatment Activities that Would Exceed CAAQS or NAAQS and Conflict with Regional Air Quality Plans | Potentially Significant | Mitigation Measure AQ-1: Implement On-Road Vehicle and Off-Road Equipment Exhaust Emission Reduction Techniques | Potentially Significant and unavoidable |
| Impact AQ-4: Expose People to Toxic Air Contaminants Emitted by Prescribed Burns and Related Health Risk | Potentially Significant | Additional measures not feasible | Potentially Significant and unavoidable |

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| CalVTP FPEIR Impact Number | Impact | Mitigation Measure | Significance after Mitigation |
|--|---|--|---|
| Impact AQ-6: Expose People to Objectionable Odors from Smoke During Prescribed Burning | Potentially Significant | Additional measures not feasible | Potentially Significant and unavoidable |
| Impact CUL-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Subsurface Historical Resources | Potentially Significant | Mitigation Measure CUL-2: Protect Inadvertent Discoveries of Unique Archaeological Resources or Subsurface Historical Resources | Significant and unavoidable |
| Impact BIO-1: Substantially Affect Special-Status Plant Species Either Directly or Through Habitat Modifications | Potentially Significant | Mitigation Measure BIO-1a: Avoid Loss of Special-Status Plants Listed under ESA or CESA | Less than significant with mitigation |
| Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications - Fish and Aquatic Invertebrates | Potentially Significant (in wetlands, vernal pools) | <p>Mitigation Measure BIO-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species (All Treatment Activities)</p> <p>Mitigation Measure BIO-2c: Compensate for Mortality, Injury, or Disturbance and Loss of Habitat Function for Special-Status Wildlife if Applicable (All Treatment Activities)</p> <p>Mitigation Measure BIO-3a: Design Treatments to Avoid Loss of Sensitive Natural Communities and Oak Woodlands</p> <p>Mitigation Measure BIO-3b: Compensate for Loss of Sensitive Natural Communities and Oak Woodlands</p> <p>Mitigation Measure BIO-3c: Compensate for Unavoidable</p> | Potentially significant and unavoidable |

State Water Resources Control Board, Order WQ 2021-0026-DWQ, General Waste Discharge Requirements for Vegetation Treatment Activities Conducted in Conformance with the California Vegetation Treatment Program

| CalVTP FPEIR Impact Number | Impact | Mitigation Measure | Significance after Mitigation |
|---|---|---|---|
| | | Loss of Riparian Habitat Mitigation Measure BIO-4: Avoid State and Federally Protected Wetlands | |
| Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications – Amphibians and Reptiles | Potentially Significant (in wetlands, vernal pools) | Mitigation Measure BIO-2a: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Listed Wildlife Species and California Fully Protected Species (All Treatment Activities) Mitigation Measure BIO-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species (All Treatment Activities) Mitigation Measure BIO-2c: Compensate for Mortality, Injury, or Disturbance and Loss of Habitat Function for Special-Status Wildlife if Applicable (All Treatment Activities) Mitigation Measure BIO-3a: Design Treatments to Avoid Loss of Sensitive Natural Communities and Oak Woodlands Mitigation Measure BIO-3b: Compensate for Loss of Sensitive Natural Communities and Oak Woodlands Mitigation Measure BIO-3c: Compensate for Unavoidable Loss of Riparian Habitat Mitigation Measure BIO-4: Avoid State and Federally Protected Wetlands | Potentially significant and unavoidable |

State Water Resources Control Board, Order WQ 2021-0026-DWQ, General Waste Discharge Requirements for Vegetation Treatment Activities Conducted in Conformance with the California Vegetation Treatment Program

| CalVTP FPEIR Impact Number | Impact | Mitigation Measure | Significance after Mitigation |
|--|-------------------------|--|---|
| Impact BIO-3: Substantially Affect Riparian Habitat or Other Sensitive Natural Community Through Direct Loss or Degradation that Leads to Loss of Habitat Function | Potentially Significant | Mitigation Measure BIO-3a: Design Treatments to Avoid Loss of Sensitive Natural Communities and Oak Woodlands Mitigation Measure BIO-3b: Compensate for Loss of Sensitive Natural Communities and Oak Woodlands Mitigation Measure BIO-3c: Compensate for Unavoidable Loss of Riparian Habitat | Less than significant with mitigation |
| Impact BIO-4: Substantially Affect State or Federally Protected Wetlands | Potentially significant | Mitigation Measure BIO-4: Avoid State and Federally Protected Wetlands | Less than significant with mitigation |
| Impact BIO-5: Interfere Substantially with Wildlife Movement Corridors or Impede Use of Nurseries | Potentially Significant | Mitigation Measure BIO-5: Retain Nursery Habitat and Implement Buffers to Avoid Nursery Sites | Less than significant with mitigation |
| Impact GHG-2: Generate GHG Emissions through Treatment Activities | Potentially Significant | Mitigation Measure GHG-2. Implement GHG Emission Reduction Techniques During Prescribed Burns | Potentially Significant and unavoidable |
| Impact HAZ-3: Expose the Public or Environment to Significant Hazards from Disturbance to Known Hazardous Material Sites | Potentially Significant | Mitigation Measure HAZ-3: Identify and Avoid Known Hazardous Waste Sites | Less than significant with mitigation |
| Impact TRAN-3: Result In a Net Increase in vehicle miles traveled for the Proposed CalVTP | Potentially Significant | Additional measures not feasible | Potentially Significant and unavoidable |
| Impact UTIL-2: Generate Solid Waste in Excess of State Standards or Exceed Local Infrastructure Capacity | Potentially Significant | Additional measures not feasible | Potentially Significant and unavoidable |