

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 101  
San Luis Obispo, California**

**Draft Order No. R3-2009-0063  
March 18, 2010**

**Individual Conditional Waiver of Waste Discharge Requirements  
1-08-018 SCR Young  
Santa Cruz County**

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (hereinafter Water Board or Regional Board) finds that:

1. California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State of California (hereinafter the State), other than into a community sewer system, shall file with the appropriate Water Board a report of waste discharge (ROWD) containing such information and data as may be required by the Water Board.
2. The Water Board prescribes waste discharge requirements, except where the Water Board finds that a waiver of waste discharge requirements for a specific type of discharge is in the public interest pursuant to CWC Section 13269.
3. On July 8, 2005, in accordance with CWC Sections 13267 and 13269, the Water Board adopted Order No. R3-2005-0066 – General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region (General Order), which includes Eligibility Criteria. Water Board staff uses the Eligibility Criteria to numerically evaluate a timber plan based on factors such as intensity of infrastructure (soil disturbance factor), intensity of harvesting over the past 15 years in the same watershed (cumulative effects ratio), and number and type of streams in the harvest area (drainage density index). The Eligibility Criteria provide Water Board staff with a method for ranking timber harvest activities and assigning them an appropriate monitoring tier. The four monitoring tiers are described as:

**Tier I:** CalFire Forest Practice Rules compliance monitoring.  
Road inventory program.  
Forensic monitoring as necessary.

**Tier II:** CalFire Forest Practice Rules compliance monitoring.  
Road inventory program.  
Forensic monitoring as necessary.  
Visual and photo monitoring of harvest infrastructure.

**Tier III:** CalFire Forest Practice Rules compliance monitoring.  
Road inventory program.  
Forensic monitoring as necessary.  
Visual and photo monitoring of harvest infrastructure.

**Tier IV:** Individual Conditional Waiver of Waste Discharge Requirements  
(Individual Order) with appropriate monitoring or  
Waste Discharge Requirements with appropriate monitoring

4. On July 10, 2010, the Water Board agreed with the Executive Officer's proposal to change the enrollment process to shift the burden of employing the Eligibility Criteria procedure from staff to dischargers and to have dischargers provide this information earlier in the process so staff can prioritize the review, inspections and evaluation of timber harvest plans with the most significant threat to water quality. Staff now verifies if dischargers used correct site-specific information for the procedure. While Timber Harvests conducted under Monitoring Tiers I – III may enroll under this General Order, staff drafts Individual Orders for harvests conducted under Tier IV monitoring for the Board's consideration. The Board also approved staff's proposal to eliminate temperature and turbidity monitoring for Tiers I – III harvests unless the Executive Officer considers it necessary for a specific timber harvest operation.
5. On August 3, 2009, Water Board staff received a complete Notice of Intent for Timber Harvesting Plan (THP) 1-08-018 SCR Young.
6. Water Board staff evaluated the Young harvest using the Eligibility Criteria. According to the Eligibility Criteria, the Young harvest falls into Tier IV. The THP has a high cumulative effects ratio, a high drainage density index, and a medium soil disturbance factor.
7. The Water Board finds it is appropriate to regulate this activity with a Conditional Waiver of Waste Discharge Requirements, rather than Individual Waste Discharge Requirements for this discharge. The discharge is regulated by the California Department of Forestry and Fire Protection (CalFire) as described in Finding No. 13 and this Individual Order requires the discharger to comply with the conditions of Order No. R3-2005-0066 *General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region* and additional conditions set forth in this Individual Order that are consistent with the requirements of the Basin Plan and the CWC. Violations of the conditions of this Individual Order and the Monitoring and Reporting Program subjects the discharger to administrative civil liability to the same extent as would a violation of a waste discharge requirements Order. Therefore, in accordance with CWC Section 13269, the Water Board will regulate the discharge of waste associated with the timber harvest activities of the Timber Harvesting Plan (THP) 1-08-018 SCR Young by a Conditional Waiver of Waste Discharge Requirements.
8. The Water Board has adopted the Water Quality Control Plan for the Central Coast Region (Basin Plan), which establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the State and discharges to waters of the State within the Central Coast Region.
9. The Young harvest will occur in Santa Cruz County, in the Bear Creek Watershed to which Starr Creek is a tributary. Pursuant to the Basin Plan and California State Water Resources Control Board (hereinafter State Board or State Water Board) Plans and Policies, including State Water Board Resolution No. 88-63, the existing and potential beneficial uses of Bear Creek potentially affected by the timber harvest include:
  - a. Municipal and Domestic Supply (MUN);
  - b. Agricultural Supply (AGR);
  - c. Ground Water Recharge (GWR);
  - d. Water Contact Recreation (REC-1);

- e. Non-contact Water Recreation (REC-2);
- f. Wildlife Habitat (WILD);
- g. Cold Freshwater Habitat (COLD);
- h. Migration of Aquatic Organisms (MIGR);
- i. Spawning, Reproduction, and Development (SPWN); and
- j. Commercial and Sportfishing (COMM).

Although the Basin Plan does not list Starr Creek and identify specific beneficial uses for it, implementation of adopted State and Regional Board Plans and Policies protect its water quality.

10. The Basin Plan contains water quality objectives developed to protect the above-listed beneficial uses of water. The Water Board considered factors in CWC Section 13241, including economic considerations, as required by law, during the development of these objectives. Prohibitions, provisions, and specifications contained in this Order implement these previously developed water quality objectives. Compliance with water quality objectives will protect the beneficial uses listed above.
11. The Water Board analyzed the Young harvest's potential water quality effects, as described in the THP and ROWD. The Water Board finds that the proposed discharge will comply with State Water Resources Control Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Under this policy, water quality degradation may be allowed if the following conditions are met: 1) any change in water quality must be consistent with maximum benefit to people of the State; 2) the project will not unreasonably affect present and anticipated beneficial uses; 3) the project will not result in water quality less than prescribed in the Basin Plan; and 4) the Discharger must treat discharges with the best practicable treatment or control to avoid pollution or nuisance and maintain the highest water quality consistent with maximum benefit to the people of the state.
12. In general, timber harvesting and associated activities can cause the discharge of sediment, and can cause temperature and turbidity increases in receiving waters. The Water Board finds that the harvest, including the discharge of these constituents, will not result in any appreciable or significant adverse changes to water quality due to erosion, sediment discharges, temperature or turbidity increases if the Discharger complies with the THP, Forest Practice Rules, Board of Forestry Regulations, the conditions of Order No. R3-2009-0063, and Monitoring and Reporting Program No. R3-2009-0063.
13. CalFire and the California Board of Forestry (BOF) regulate timber harvest activities on non-federal lands in accordance with the Z'berg-Nejedly Forest Practice Act (Public Resources Code, Section 4511 et seq.) and the California Forest Practice Rules (Title 14, California Code of Regulations, Chapter 4, Section 895 et seq.). CalFire is the state agency with primary jurisdiction over timber activities. The Water Board cannot issue permits to allow timber harvesting. The Water Board regulates water quality impacts of timber plans CalFire has found to be in conformance with the Forest Practices Act and Board of Forestry regulations. The Water Board does not have legal authority to require an alternative project.
14. The Secretary of the Resources Agency has certified that CalFire's timber harvest plan regulatory program can function as a substitute for an Environmental Impact Report or a negative declaration (CEQA Guidelines § 15251). CalFire is the lead agency for purposes of CEQA. Registered Professional Foresters submit either a Non-Industrial Timber Management Plan NTMP or Timber Harvesting Plan (THP) and only CalFire has the

authority to grant discretionary approval for these projects. CalFire considers all the significant environmental effects of the project and makes a finding under CEQA Guidelines section 15091 for each significant effect. If CalFire finds that the timber operations will not have a significant effect on the environment, a THP serves as a substitute negative declaration. If CalFire finds that the timber operations may have a significant effect on the environment, the THP serves as a substitute environmental impact report, and includes mitigation of potential impacts. CalFire considered all the potential significant environmental effects of the Young harvest and made a finding that the timber operations identified in the THP will not have a significant effect on the environment. Therefore, the above-referenced THP serves as a substitute negative declaration for the timber harvest.

15. During their review process in accordance with California Forest Practice Rules (Title 14, California Code of Regulations, Article 2, Subchapter 7, Section 1037.5), Central Coast Water Board staff participated on the CalFire interdisciplinary review team for the THP. CalFire considered the recommendations made on the THP by the interdisciplinary review team before determining that the THP conforms to the Forest Practices Act and Board of Forestry Regulations.
16. The Water Board is a responsible agency for purposes of CEQA and has considered the THP in the adoption of this Order. This Order requires the Discharger to comply with all requirements of the THP and of Monitoring and Reporting Program No. R3-2009-0063.
17. CalFire regulates timber harvesting practices in the State and requires the Discharger to implement practices to control water quality impacts, including erosion and sedimentation. The Discharger must also comply with any local ordinances that also require various controls to protect water quality. The conditions of this Order protect beneficial uses by:
  - (i) Prohibiting pollution, contamination, or nuisance;
  - (ii) Requiring monitoring and compliance with applicable water quality control plans;
  - (iii) Requiring the Discharger to grant access to Water Board staff to perform inspections; and
  - (iv) Requiring approval of the THP by CalFire.
18. Management practices are the most feasible treatment method to prevent or control the discharges. If a timber harvest is conducted in the manner prescribed in the THP and the conditions of this Individual Order, a conditional waiver of waste discharge requirements is in the public interest and is consistent with applicable water quality control plans, including the Water Quality Control Plan, Central Coast Region.
19. The winter period for the Central Coast Region shall be October 15 through April 15.
20. The rain year for the Central Coast Region shall be July 1 through June 30.
21. The THP lays out a 41-acre selective harvest utilizing a combination of tractor and rubber-tired skidder and cable yarding within the Bear Creek Watershed. The harvest covers 41 acres or 0.04 percent of the 10,392 acre planning watershed (Bear Creek Watershed - CalWater V2.2: 3304.120300). Approximately 15 percent of the watershed has been selectively harvested within the last 15 years.
22. The Discharger may be required to conduct visual, photo, turbidity, and temperature monitoring as a condition of the Individual Order.

23. This Order does not regulate point-source discharges that require a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act, including but not limited to silvicultural point-source discharges, as defined in 40 CFR Chapter 1 Part 122.27.
24. Adoption of this Order will not have a significant impact on the environment and will be in the public interest, provided that the Discharger:
- (a) Complies with the conditions of this Order; and
  - (b) Complies with applicable State Water Board and Water Board plans and policies and as those plans and policies may be amended from time to time through the amendment process;
25. This Order shall not create a vested right to discharge and all waste discharges are a privilege, as provided for in CWC Section 13263.
26. Pursuant to CWC Section 13269, this action waiving the issuance of waste discharge requirements for certain specific types of discharges: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC.
27. The Executive Officer may terminate the applicability of the Individual Order for 1-08-018 SCR Young if the Executive Officer makes any of the following determinations:
- a. The timber harvest activity is not in compliance with any applicable condition of this Individual Order.
  - b. The timber harvest activity has varied in whole or in any part from the approved THP, unless these changes result in better protection of water quality.
28. The Executive Officer or Water Board may terminate the applicability of this Order at any time when such termination is in the public interest and/or the timber harvest activities could affect the quality or beneficial uses of the waters of the State.
29. Any person affected by this action of the Water Board may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within thirty (30) days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.
30. The Water Board conducted a public hearing on March 18, 2010, in Watsonville, California, and considered all testimony and evidence concerning this matter;

**THEREFORE IT IS HEREBY ORDERED:**

1. In accordance with CWC Section 13269, the waste discharges associated with timber harvest activities of THP 1-08-018 Young in the Central Coast Region shall be subject to the following conditions, and the requirement to obtain waste discharge requirements is hereby waived, subject to the following conditions:
  - a. "Discharger" means the landowner and anyone working on behalf of the landowner in

- the conduct of timber harvest activities.
- b. The Discharger shall comply with all requirements of applicable water quality control plans adopted by the Water Board and approved by the State Water Board, and water quality control plans and policies adopted by the State Water Board.
  - c. The Discharger shall conduct timber harvest activities in accordance with the approved THP and with all applicable sections of the Forest Practice Rules.
  - d. The Discharger shall notify the Water Board concurrently when submitting a request to CalFire for a minor or major amendment.
  - e. The Discharger shall notify the Water Board concurrently when notifying CalFire of Commencement of Operations pursuant to California Forest Practice Rules, Title 14 CCR 1035.4 Notification of Commencement of Operations.
  - f. The Discharger shall obtain and comply with all local, state and federal permits required by law. The Discharger shall comply with all applicable county ordinances related to timber operations, including zoning ordinances.
  - g. The Discharger shall not create a condition of pollution, contamination, or nuisance, as defined by CWC Section 13050.
  - h. The Discharger shall not discharge any waste not specifically regulated by this Individual Order, except in compliance with CWC Section 13264. Waste specifically regulated by this Order includes: earthen materials including soil, silt, sand, clay, rock; and organic materials such as slash, sawdust, or bark. Examples of waste not specifically regulated by this Order include petroleum products, hazardous materials, or human wastes.
  - i. The Discharger shall not change stream temperature that exceeds Basin Plan requirements. The Discharger shall not cause the watercourse temperature within the THP area to increase more than five degrees Fahrenheit (5°F) above natural Starr Creek or Bear Creek temperatures.
  - j. The Discharger shall not change turbidity in Starr Creek or Bear Creek that exceeds Basin Plan requirements. The Discharger shall report sediment increases detected during monitoring as required by Monitoring and Reporting Program (MRP) No. R3-2009-0063 Section II – Data Logging and Reporting; Sediment Release Reporting.
  - k. The Discharger shall allow Water Board staff reasonable access, pursuant to Public Resources Code 4604 (b), onto the THP site, for the purpose of performing inspections to determine compliance with these requirements.
  - l. Pursuant to California Water Code Sections 13267 and 13269, the Discharger shall comply with Monitoring and Reporting Program (MRP) No. R3-2009-0063. Water Board staff needs this information to verify that these requirements are the appropriate regulatory tool for Timber Harvest activities for THP 1-08-018 Young. Evidence that supports the need for this information was presented in the Discharger's ROWD.
  - m. The Discharger shall take immediate action to repair failed crossings, culverts, roads and other sources of sediment as soon as possible.

- n. The Discharger shall maintain all erosion and sediment control devices, management measures, and mitigations prescribed in the THP for the term of this Order.
  - o. The Discharger shall comply with all requirements of the Executive Officer pursuant to MRP R3-2009-0063.
2. Upon receipt of notice of termination of applicability of the Individual Order, the Discharger shall immediately cease all timber harvest activities that may result in discharges to waters of the State, other than activities necessary to control erosion. Upon notice of termination, the discharger must file a report of waste discharge and applicable filing fee. Timber harvest activities that may result in discharges that could affect the quality of waters of the State may commence only upon enrollment by the Executive Officer under general waste discharge requirements or individual waste discharge requirements, or in accordance with CWC Section 13264(a).
  3. This Order shall become effective on March 18, 2010 and shall expire on March 18, 2015, unless terminated or renewed by the Water Board. The Water Board may terminate this Individual Order at any time.
  4. As provided by CWC Section 13350(a), any person who, in violation of any waiver condition, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, is subject to administrative or civil liability for the violation.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on March 18, 2010.

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Roger W. Briggs, Executive Officer

**DRAFT MONITORING AND REPORTING PROGRAM**  
**NO. R3-2009-0063**  
**for**  
**1-08-018 SCR YOUNG TIMBER HARVEST**  
**March 18, 2010**

This Monitoring and Reporting Program (MRP) No. R3-2009-0063 is issued pursuant to California Water Code (CWC) sections 13267 and 13269. Failure to comply with this MRP may subject the Discharger to monetary civil liability in accordance with Water Code section 13268 and 13350. Monitoring shall begin at the start of timber harvest operations and must comply with this MRP and any subsequent revisions. Monitoring shall continue until this MRP is revised or rescinded.

**MONITORING LOCATIONS**

This MRP takes into account site conditions and mitigations to establish monitoring locations (see Young Harvest Plan Map, Attachment A and Road Segment Map, Starr Creek Focus, Attachment B.) The Discharger shall monitor these locations as described below:

Section I – Implementation and Effectiveness Monitoring and Monitoring Frequency;  
Section II – Data Logging and Reporting; and  
Section III – Standard Provisions.

**VISUAL MONITORING:** The Discharger shall visually monitor the locations below.

**Visual monitoring locations shall include the full length of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and all mitigation sites in the Timber Harvesting Plan (THP) area (as documented in the THP approved by the California Department of Forestry and Fire Protection [CalFire]).**

**PHOTO-MONITORING:** The Discharger shall photograph locations listed below:

- Photo-location #1 (P1) – R1 road reconstruction at site where relocated to document winterization
- Photo-location #2 (P2) – Class II road crossing C1, a shallow earthen ford to be converted to a rock ford conforming to standard construction specifications, to document stability.
- Photo-location #3 (P3a, P3b, P3c....) – R2 road reconstruction at 50 foot stations along road to document stabilization and winterization
- Photo-location #4 (P4) – Class II road crossing C2, after removal of temporary crossing, to document stability.
- Photo-location #5 (P5) – R3 road construction at 50 foot stations along road to document stabilization and winterization.
- Photo-location #6 (P6) – Class II road crossing C3, after removal of temporary crossing, to document stability.
- Photo-location #7 (P7) – Decommissioned R4 road at 50 foot stations along road to document stabilization and winterization.
- Photo-location #8 (P8) - Class III road crossing C4, after removal of temporary crossing, to document stability.

**CALFIRE FOREST PRACTICE RULES COMPLIANCE MONITORING:** The Discharger shall ensure timber harvesting activities conform to the approved THP and with all applicable sections

of the Forest Practice Rules. This includes allowing site access for compliance inspections by CalFire and Water Board staff pursuant to 40 CFR Article 8, section 4604.

**ROAD INVENTORY PROGRAM:** The Discharger shall develop and implement, for review and approval of the Executive Officer (EO), a Roads Management Program (example attached in Attachment C, Exhibit 1, Big Creek Road Inventory Program) within the THP area. The program must be approved by the EO before implementation.

**MONITORING:** The Discharger shall conduct monitoring as described in Section I below.

## **I IMPLEMENTATION AND EFFECTIVENESS MONITORING AND MONITORING FREQUENCY**

### **A. VISUAL MONITORING**

**VISUAL MONITORING LOCATIONS:** Visual monitoring locations shall include the full length of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and all mitigation sites (as documented in the CalFire-approved THP) in the plan area. Visual monitoring shall be where timber harvesting poses the greatest risk of discharge of pollutants (sites may be established by the EO during or after the pre-harvest inspection (PHI)).

**VISUAL MONITORING FREQUENCY:** The Discharger shall monitor all visual monitoring locations for existing or potential sources of sediment.

**Year One** – The Discharger shall monitor at least three times during “Year One”, at the start of timber harvesting and for one year after the end of timber harvesting.

- Monitoring Event One:

The Discharger shall perform the first monitoring event within 12 to 24 hours of the first storm event that yields three inches of rain or greater within a 48-hour period.

- Monitoring Events Two and Three:

The Discharger shall perform the next two monitoring events within 12 to 24 hours of the next two storm events (one monitoring event each storm) that yield three inches of rain or greater within a 72-hour period and soil saturation after the start of the winter period on October 15.

**Years 2-5** – After harvesting timber and receiving the EO's determination that management practices protect water quality and beneficial uses, the Discharger shall visually monitor in accordance with the EO-approved Road Management Program (RMP). Exhibit 1 provides an example, the Big Creek Road Inventory Program.

The Discharger shall schedule a post-harvest inspection with Water Board staff no sooner than 10 months after the timber harvest plan is complete.

Note: The Discharger shall not begin Year Two monitoring until so directed in writing by the EO.

If management practices do not adequately protect beneficial uses, as determined by the EO, the Discharger shall repeat "Year One" monitoring. In addition to supplementary monitoring, the EO will determine if additional measures are required.

#### Summary of Visual Monitoring Frequency:

"Year One": minimum of three events  
Year Two – Five: consistent with the EO-approved RMP developed by the Discharger and approved by the EO.

#### B. PHOTO-MONITORING

**PHOTO-MONITORING LOCATIONS:** Photo-monitoring locations shall be at locations within the timber harvest plan area where timber harvest activities pose the greatest risk of sediment discharge (sites may be established by the EO during or after the PHI). Photo-monitoring locations shall include sites upstream and downstream of each newly-constructed or reconstructed Class I and Class II watercourse crossings and landings within a Class I or II Watercourse or Lake Protection Zone (WLPZ). Photos shall clearly show the management measure's effectiveness.

The Discharger shall:

- i. Use the attached document: *Standard Operation Procedure 5.2.3 - Photo Documentation Procedure* (including any subsequent revisions to SOP 5.2.3) as the protocol for all photo-monitoring (Attachment C, Exhibit 1).
- ii. Use flagging, rebar, or another method of establishing the photo-monitoring locations.
- iii. Use all photo-monitoring locations until this MRP is revised or rescinded.

**PHOTO-MONITORING FREQUENCY:** The Discharger shall monitor all photo-monitoring locations established by the EO during or after the PHI.

"Year One" – The Discharger shall photo-monitor according to the following four conditions during "Year One" monitoring.

- Before the onset of timber harvest operations. (One Photo Set).
- After the first significant storm event (First Storm) (One Photo Set).
- After completion of timber harvest activities (One Photo Set).
- After a significant storm event during the month of April (April Storm) (One Photo Set). (A significant storm event means any storm with three inches of rain or greater within a 48-hour period and soil saturation.)

Additionally, the Discharger shall photograph new or reconstructed Class I and Class II water crossings:

- Before construction, after construction, and after removing the crossing, (if crossing is temporary).

The Discharger shall photo-monitor within seven days of any of the following:

1. The first storm.

- 2. End of timber harvesting activities.
- 3. April storm events. If no significant storm event occurs in the month of April, the Discharger shall complete photo-monitoring by April 30 of the same year.

**Years 2 and 5** - In years two and five, after timber harvesting and the EO's written statement that management measures protect beneficial uses (as documented by information in the annual report and a post-harvest inspection conducted by Water Board staff), the Discharger shall photo-monitor in April.

The Discharger shall schedule a post-harvest inspection with Water Board staff no sooner than 10 months after the timber harvest plan is complete.

Note: The Discharger shall not begin Year Two monitoring until so directed to do in writing by the EO.

If management measures do not protect beneficial uses, as determined by the EO, the Discharger shall repeat "Year One" monitoring. In addition to supplementary monitoring, the EO will determine additional measures if required.

**Summary of Photo-monitoring Frequency:**

<b>"Year One":</b>	2 photo sets (minimum)
<b>Year Two:</b>	1 photo set
<b>Year Five:</b>	1 photo set

**C. FORENSIC MONITORING**

- 1. If monitoring detects failed management measures and/or evidence of discharge, the Discharger shall conduct forensic monitoring to identify the source.

Management measure failure is defined as: Whenever a management measure, or failure to implement a management measure, creates a condition of pollution, contamination, or nuisance, as defined by CWC Section 13050.

- 2. If management measures fail (this includes failure to implement management measures as determined by CalFire and documented by CalFire as a violation of the Forest Practice Rules), the Discharger shall photo<sup>1</sup>-document them and shall implement management measures immediately to prevent discharge and adverse effects on water quality.
- 3. If timber activities cause a pollutant discharge into waters of the State, the Discharger shall measure in-stream turbidity (using grab samples) at the point of discharge into waters of the State. If there is a discharge into a Class III watercourse and water is no longer flowing, the Discharger shall measure in-stream turbidity in the closest Class I or Class II watercourse downstream of the discharge.

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<sup>1</sup> Monitoring photos shall be of a quality sufficient to record the effectiveness of the implemented management practice.

4. If, during monitoring, the Discharger observes a discharge (sediment, soil, other organic material, herbicides, pesticides, fluids from timber equipment (oil, hydraulic fluid, etc), etc.), the Discharger shall notify the Water Board within 24 hours.
5. If, during monitoring, the Discharger observes a discharge or failed management measure, the Discharger shall submit to the Water Board a written report, including photo documentation, water quality data, and the management measures or corrective actions and a description of their effectiveness within 10 working days. Upon review of the report, the EO will determine completeness of the report and the need for additional actions necessary for the protection of beneficial uses.

**FORENSIC MONITORING AREAS OF CONCERN:** The following areas must be addressed during forensic monitoring if water diversion, feral pig activity, or trespass activity are causing or threatening to cause impacts to water quality.

**Water Diversion.** The Discharger shall monitor the water diversions for total daily water usage when water is being diverted. The Discharger shall monitor the creek to ensure no more than 10% of the creek flow is diverted.

**Feral Pig Activity.** During any inspection, the Discharger shall document all evidence of feral pig activity near watercourses that may be contributing discharges to waters of the state. The Discharger must address the feral pig activity according to forensic monitoring requirements described in 1 – 5 above.

**Trespass Activity.** During any inspection, the Discharger shall document all evidence of trespass activity near watercourses that may be contributing discharges to waters of the state. The Discharger must address the trespass activity according to forensic monitoring requirements described in 1 – 5 above.

**FORENSIC MONITORING FREQUENCY** The frequency of Forensic Monitoring coincides with implementation and effectiveness monitoring, or at any time a failed management measure and/or discharge is reported or observed.

## II DATA LOGGING AND REPORTING

1. **Logbooks.** The Discharger shall maintain logbooks for recording all visual and water analysis data. Logbooks shall include documentation of maintenance and repair of management measures. Logbooks shall be available for inspection to Water Board staff.
2. **Health and Safety.** The Discharger shall ensure that all monitoring is done in a safe manner. If any monitoring location is too dangerous to sample, then the Discharger shall report this circumstance to the Water Board within 48 hours.
3. **Road Management Program.** After review and approval by the EO, the Discharger shall develop and implement a Roads Management Program (RMP) (an example is attached in Exhibit 1, Big Creek Road Inventory Program) within the THP area. After each storm event that triggers an inspection, the Discharger shall perform a field inspection and prepare a field form as described in the RMP protocol. The Discharger shall enter the data into a logbook (as described in Item 1, above) and into a database or spreadsheet which tracks observations, work completed, and dates of last review. If the need for repair is immediate, the Discharger shall promptly develop and implement an appropriate action.

- 4. Sediment Release Reporting.** Within 72 hours, the Discharger shall report to the EO if at least one cubic yard of soil is released to a waterway due to man-made causes or at least five cubic yards of soil is released to a waterway due to natural causes, or when turbidity is noticeably greater downstream compared to upstream (of a crossing or the THP area). The Discharger shall submit a written report to the EO within 10 days of detection. The Discharger shall investigate source areas of sediment. If sources are found, the Discharger will locate and document the source and size of the release. If sources related to timber harvest activities are found, the Discharger shall immediately correct the source if possible, or schedule corrective action at an appropriate time given the site conditions.

**FOREST PRACTICE RULE VIOLATION REPORTING.** The Discharger shall report violations of the Forest Practice Rules to the EO within 48 hours and provide the report in writing within 10 working days of the violation. The written report shall include photo-documentation and water quality data (if discharge enters waters of the State) before and after remedial action. Upon review of the report, the EO will determine its adequacy and if the need for additional actions is necessary to protect beneficial uses. The Discharger shall complete additional monitoring that the EO determines is necessary.

#### **ANNUAL REPORTING**

By November 15 of each year, the Discharger shall submit an Annual Report to the EO using the template that can be downloaded from:

<http://www.waterboards.ca.gov/centralcoast/Facilities/TimberHarvest/index.htm>

Under "Monitoring and Reporting", click on "Annual Report Template."

In addition to the reporting requirements already set forth in the MRP, the annual report must include the following:

#### **1. General**

- ❖ The name and address of the person submitting the report as well as the day, month, and year in which the report is being submitted at the top of the first page.
- ❖ The subject line of the annual report must state the THP number, three-letter county code, and plan name as it appears in the approved THP.
- ❖ Time period during which the data were collected.
- ❖ List Tier level and summarize the monitoring requirements.
- ❖ A status of active timber harvest operations including:
  - Day, month, and year the harvest opened and closed for the season.
  - Previous year's activities (types, locations, percent harvested, area of harvest, and extent of overall plan completion).
  - Planned activities including estimated month and year harvests activities must resume.
  - Estimated month and year harvesting will be completed.
  - Wet weather problems observed.
  - Any other critical information.
- ❖ A summary of all violations. If there were no violations, please state as such.
- ❖ Detailed documentation of rainfall measurement procedures and locations or a reference to the page number in the THP where this is described. Describe the type of rain gauge(s) used. If applicable, include the link to the Web site where data for the rain gauge may be viewed.

- ❖ With the first annual report, a copy of the road management program.
    - A summary of the road management program<sup>2</sup> and actions implemented for the protection of water quality and beneficial uses.
  - ❖ Recommendations for improving the monitoring and reporting program.
2. **Visual Monitoring**
- ❖ A summary of all visual monitoring activities performed during the previous year.
    - Summary must include dates and times visual monitoring occurred and any corrective actions taken during inspections.
    - Attach inspection forms or copies of logbook pages detailing inspections.
4. **Photo-monitoring**
- ❖ Submittal of all data and photos in electronic format.

### III STANDARD PROVISIONS

1. Representatives of the Water Board shall be allowed:
  - a. Entry upon premises where timber harvest activities occur;
  - b. Access to copy any records that must be kept under the conditions of these requirements;
  - c. To inspect any timber harvest activity, equipment (including monitoring and control equipment), practices, or operations regulated or required under these requirements; and,
  - d. To photograph, sample, and monitor for the purpose of showing timber harvest requirements compliance.
2. The Discharger shall maintain records of all monitoring information and results. Records must be maintained for a minimum of three years after the MRP is rescinded. This period may be extended during the course of any unresolved litigation or when requested by the Water Board.
3. Any person signing a report must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The EO may modify or rescind this MRP at any time. Any such modification or rescission must comply with California Water Code section 13269 or 13267.

\_\_\_\_\_  
Roger W. Briggs, Executive Officer    Date

<sup>2</sup> Big Creek's Road Inventory Program may be used as a model.

Exhibits:

**Exhibit 1**

Big Creek Road Inventory Program

Standard Operating Procedure 5.2.3 Photo Documentation Procedure

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