

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

**ORDER R5-2017-0061**

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
DISCHARGES RELATED TO TIMBERLAND MANAGEMENT ACTIVITIES  
FOR NON-FEDERAL AND FEDERAL LANDS**

The California Regional Water Quality Control Board, Central Valley Region (hereafter, Central Valley Water Board) finds that:

**SCOPE OF COVERAGE OF THIS GENERAL ORDER**

1. This Order serves as general waste discharge requirements (WDRs) for waste discharges related to timberland management activities on both non-federal and federal lands (managed by the U.S. Forest Service) that could affect waters of the state.
2. Under this Order, “timberland management activities” means commercial activities relating to forest management and timberland conversions, including, but not limited to: cutting or removal of timber and other solid wood forest products; construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, watercourse crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; pesticide applications; site preparation that involves disturbance of soil or burning of vegetation following timberland management activities; but excluding preparatory treemarking, surveying or roadflagging.<sup>1</sup>
3. Waste specifically regulated under this Order includes: earthen materials, including soil, silt, sand, clay, rock; organic materials, such as slash, sawdust, or bark; and pesticides that enter or threaten to enter into waters of the state from timberland management activities.
4. Under this Order, the term “Discharger” includes the timberland owner or timber owner, anyone working on behalf of the timberland/timber owner in the conduct of timberland management activities for non-federal lands, the U.S. Forest Service, private timber operators operating on federal lands, and anyone working on behalf of the U.S. Forest Service or a timber operator in the conduct of timberland management activities on federal lands. Although all of the aforementioned persons or entities legally are “Dischargers” for the purposes of this Order, only one Notice of Intent (NOI) shall be submitted for each Project enrollment.

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<sup>1</sup> Definitions for “Pesticide”, “Plan”, and “Project”, as well as other definitions, can be found in Attachment A.

5. Attachment A (Definitions), Attachment B (Monitoring and Reporting Program), Attachment C (Post-Fire Management and Reforestation Plan), and Attachment D (Information Sheet) are hereby incorporated into and made a part of this Order by this reference.

### **REASONS FOR ISSUING GENERAL ORDER**

6. There are approximately 16 million acres of federal and non-federal forested lands located within the Central Valley Region. The water quality impacts from timberland management activities on these forested lands falls within the jurisdiction of the Central Valley Water Board.
7. The adoption of individual WDRs for all timberland management activities in the Central Valley Region is not feasible due to the large number of timber harvesting documents received annually for review, the short mandated timeline for the approval of non-federal timberland management activities, and the time needed to adopt individual WDRs. General WDRs on a watershed-by-watershed basis would also take a significant amount of time given the large number of watersheds and sub-watersheds in the Region, and therefore is not feasible. The Central Valley Water Board currently regulates timberland management activities under the Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvesting Activities (Waiver), Order No. R5-2014-0144, which expires on March 31, 2018. Without the current Waiver or the adoption of this Order, many timberland management activities would not be subject to any regulation under the California Water Code (Water Code) as required by the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (Nonpoint Source Policy) (see Finding 12 below).
8. On October 8, 2013, amendments to Public Resources Code Article 7.7 (commencing with Section 4597) went into effect and established a new type of timber harvesting permit: the Working Forest Management Plan (WFMP). This new permit will allow non-federal, non-industrial landowners of 15,000 acres or less to harvest timber via a non-expiring permit. The amendments also required the California Board of Forestry (BOF) to develop and implement the process for the WFMP by January 2016; process concerns raised by stakeholders have delayed the implementation of the WFMP, which is now anticipated to occur by January 2018.
9. This Order addresses the anticipated implementation of the WFMP by the BOF; the upcoming Waiver expiration; the need for additional information related to post-fire salvage operations; the creation of a low threat category for Plans; the creation of a new category for non-federal watercourse crossing work outside of a Project; the need to revise and clarify the monitoring and reporting program; and the overall need to improve and streamline the existing Waiver. Individual WDRs would not provide identifiable benefits over this Order because this Order contains essentially the same conditions that would be included in individual WDRs, such as the requirements that implement water quality control plans, and this Order is enforceable to the same extent as individual WDRs.

10. As of the effective date of this Order, the Central Valley Water Board will no longer accept new enrollments under the Timber Waiver (Order No. R5-2014-0114). Projects with existing enrollments under the Timber Waiver may continue to operate under the Timber Waiver until its expiration date, March 31, 2018. Projects that will operate past March 31, 2018, must obtain coverage under this Order prior to that date.

### **REGULATORY CONSIDERATIONS**

11. Pursuant to the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code), the Central Valley Water Board has legal authority to regulate waste discharges that could affect the quality of waters of the state.
12. Federal law requires the states to develop and implement plans to address nonpoint source pollution. (33 U.S.C. §1329.) Pursuant to this federal mandate, the State Water Resources Control Board (State Water Board) adopted its Nonpoint Source Policy in 2004. The Nonpoint Source Policy requires the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) to regulate nonpoint source pollution by using either (1) Waste Discharge Requirements (Water Code section 13260); (2) a Waiver of Waste Discharge Requirements (Water Code section 13269); or (3) a Basin Plan Prohibition (Water Code section 13243).
13. Water Code section 13260, subdivision (a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of waters of the state, other than into a community sewer system, shall file with the appropriate Regional Water Board a Report of Waste Discharge (ROWD) containing such information and data as the Regional Water Board may require.
14. Water Code section 13263 requires the Central Valley Water Board to prescribe WDRs, or waive WDRs, for proposed, existing, or material changes in discharges of waste that could affect water quality. The board may prescribe WDRs even if no ROWD under Water Code section 13260 has been filed. The WDRs must implement applicable water quality control plans and the Water Code. The Central Valley Water Board may prescribe general WDRs for a category of discharges if all 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 requirements than individual requirements.

The rationales for developing general waste discharge requirements for timberland management activities in the Central Valley Region include: (a) discharges are produced by similar operations (timberland management activities); (b) waste discharges under this Order involve similar types of wastes (typically earthen materials such as soil and rock,

organic materials such as slash and bark, and pesticides); (c) water quality management practices are similar for timberland management activities; and (d) due to the large number of timberland management activities that take place in the Central Valley region, timberland management activities are more appropriately regulated under general rather than individual WDRs.

15. The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin, Fourth Edition, revised April 2016* and the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2015* (hereinafter Basin Plans) designate beneficial uses, establish water quality objectives, contain programs of implementation needed to achieve water quality objectives, and reference plans and policies adopted by the State Water Board.

16. Whether an individual discharge of waste from timberland management activities may affect the quality of the waters of the state depends on a variety of site-specific factors, including, but not limited to:

a. Distribution and Sensitivity of the Beneficial Uses of Water

- Presence of domestic water supplies
- Presence of aquatic species (including listed species)
- Close proximity of operations to other critical beneficial uses or sensitive receptors

b. Current Water Quality Conditions

- Existing Total Maximum Daily Loads or 303(d) listings
- Documented non-compliance with Basin Plan standards
- Known or suspected watershed impacts

c. Physical Setting

- Unstable geologic setting / steep slopes
- Erodible soils
- Existing landslides or active erosion sites
- Roads or watercourse crossings in poor condition
- Harsh climates and/or intense precipitation regimes
- Post-fire landscape

d. Type and Scope of Proposed Activities

- Intensity of silvicultural prescriptions and/or yarding methods
- Intensity of site preparation and/or road construction/reconstruction
- Winter operations and/or "non-standard" or "in-lieu" practices

17. This Order implements the Basin Plans by requiring the implementation of management practices to prevent exceedances of applicable water quality objectives (both numeric and narrative) and requiring the prevention of nuisance. The Order requires implementation of a monitoring and reporting program to determine effects of waste discharges on water quality and the effectiveness of management practices designed to comply with applicable water quality objectives as defined in the Basin Plans.

18. Water Code section 13242 mandates that Regional Water Boards include in their Basin Plans a plan of implementation describing how the board will regulate discharges of waste to waters of the state in a manner that will achieve water quality objectives. Water Code section 13243 provides further that "[a] regional board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted." Water Code section 13263 also requires a Regional Water Board to prescribe requirements in WDRs that will implement the Basin Plan, including achievement of applicable water quality objectives. The conditions of this Order, including but not limited to Eligibility Criteria, Prohibitions, and requirements pertaining to Significant Existing or Potential Erosion Sites (SEPES), implement these and other applicable statutory mandates.

### **REGULATORY HISTORY AND COORDINATION WITH OTHER AGENCIES**

#### **19. Non-Federal Lands**

##### **The California Department of Forestry and Fire Protection (CAL FIRE) and the Board of Forestry (BOF)**

Timberland management activities on non-federal lands in California are regulated in accordance with the Z'berg-Nejedly Forest Practice Act (FPA) (Public Resources Code § 4511 et seq.) and the California Forest Practice Rules (FPR) (California Code of Regulations, title 14, § 895 et seq.). The BOF is responsible for promulgation of the FPR in accordance with the FPA while CAL FIRE is the state agency responsible for overseeing implementation and enforcement of the FPR for timber harvest activities on non-federal lands. Non-federal landowners proposing to harvest timber for commercial purposes are required to have an approved Plan, prepared by a Registered Professional Forester (RPF), prior to starting timberland management activities. Pursuant to the FPR, the applicable Regional Water Board, California Department of Fish and Wildlife, California Geological Survey, and other responsible and local agencies participate in the review of Plans and provide recommendations to the CAL FIRE Director as part of an interdisciplinary "Review Team." As a member of the Review Team, Regional Water Board staff review proposed Plans and is provided the opportunity to participate in pre-harvest inspections (inspections conducted prior to Plan approval). CAL FIRE's Plan approval process is the functional equivalent to the California Environmental Quality Act Environmental Impact Report process (Public Resources Code § 21080.5; see also California Code of Regulations, title 14, § 896).

Section 208 of the federal Clean Water Act (33 U.S.C. § 1288) requires states to identify areas with "substantial water quality problems" and to designate a Water Quality Management Agency (WQMA) to develop an area-wide plan for addressing water pollution. In 1988, the State Water Board (a) conditionally certified the "Water Quality Management Plan for Timber Operations on Nonfederal Lands" which included those FPR selected as best management practices and the process by which those rules are administered; (b) designated CAL FIRE and the BOF as joint Water Quality Management

Agencies; and (c) executed a Management Agency Agreement (MAA) with CAL FIRE and BOF for the purpose of implementing the certified plan and WQMA designations.

The MAA required U.S. Environmental Protection Agency (U.S. EPA) approval of the State Water Board's certification of the FPR and administering processes for regulation of timberland management activities on non-federal lands in California. That approval had not occurred by the time State Board adopted the 2004 Nonpoint Source Policy. Thus, U.S. EPA approval of the State Board's certification of the FPR would not negate the legal requirement for Regional Boards to address nonpoint source pollution using one or more of the three regulatory options provided under the Nonpoint Source Policy (see Finding 12).

### **AB 1492**

Assembly Bill 1492 was enacted in 2012 with the intent to promote and encourage sustainable forest practices; ensure continued sustainable funding for the state's forest practice program to protect the state's forest resources; and replace the piecemeal funding structure with a single funding source. To that end, AB 1492 established the Timber Regulation and Forest Restoration Fund for the purposes of achieving those goals as well as supporting forest, fisheries and wildlife habitat and water quality restoration. Further, the bill extended the potential life span of timber harvest plans filed through the CAL FIRE Review Team process on state or private lands (after 2012) from a maximum of 5 years to a maximum of 7.

The bill language also requires increases in inspections from the Review Team agencies; promotes transparency via creation of performance measures; requires identification and implementation of efficiencies in the regulation of timber harvesting between state agencies; and identifies an intent to modify the current regulatory programs to incorporate and provide incentives for best practices, and develop standards or strategies, where appropriate, to protect natural resources, including the development of plans that address road management and riparian function on an ownershipwide, watershedwide, or districtwide scale.

Finally, the bill requires an annual report to the legislature, prepared by the Secretary of the Natural Resources Agency in conjunction with the Secretary for Natural Resource Protection.

Lead responsibility for implementing the bill has been assigned to the Natural Resource Agency. Members of the Review Team agencies, including Central Valley Water Board staff, participate in AB 1492 Leadership Team meetings as well as the multiple sub-groups developed to implement the legislature's vision. Further information can be found on the [Natural Resources Agency website](http://resources.ca.gov/forestry) at: <http://resources.ca.gov/forestry>.

### **The California Department of Fish and Wildlife (CDFW)**

Pursuant to Fish and Game Code sections 1600-1616, CDFW regulates any activity on non-federal lands that does one or more of the following: 1) substantially diverts or

obstructs the natural flow of any river, stream or lake; 2) substantially changes or uses any material from the bed, channel, or bank of, any river, stream, or lake; or 3) deposits or disposes of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. CDFW may issue a Master Agreement for Timber Operations (MATO) or individual Lake or Streambed Alteration Agreements (LSAAs) to Dischargers that propose watercourse crossing work that meet one or more of these three criteria.

Watercourse crossing work conducted outside of a CAL FIRE-approved Plan or accepted Emergency (EM) Notice, but under the purview of CDFW, was not provided coverage under the Waiver; preventing Dischargers from proactively reconstructing or upgrading existing crossings on their timberlands that were not actively under a Plan. This Order creates a new enrollment category for work on existing watercourse crossings on timber production zoned land outside of a Plan or EM Notice by tiering off CDFW-executed MATOs and LSAAs.

## **20. Federal Lands – U.S. Forest Service**

In 1981, pursuant to section 208 of the federal Clean Water Act, the State Water Board (a) certified a plan entitled “Water Quality Management for National Forest System Lands in California” that was developed and submitted by the U.S. Department of Agriculture, U.S. Forest Service; (b) designated the U.S. Forest Service as the WQMA for specified activities on National Forest System lands in California that may result in nonpoint source discharges, including timber management, vegetative manipulation, fuels management, road construction and watershed management; and (c) executed a MAA with the U.S. Forest Service for the purpose of implementing the certified plan and WQMA designation.

The U.S. EPA approved the State Water Board’s certification of the U.S. Forest Service water quality management plan, and the management practices therein as “best management practices” (BMPs).

The 1981 MAA between the State Water Board and the U.S. Forest Service contemplates that the Water Boards will waive issuance of waste discharge requirements for U.S. Forest Service timber harvest activities that may result in nonpoint source discharges, provided that the U.S. Forest Service designs and implements its projects to fully comply with state water quality standards. However, the Central Valley Water Board’s experience and monitoring have demonstrated that relying solely on the MAA framework to regulate nonpoint source activities on lands managed by the U.S. Forest Service does not result in compliance with water quality standards, and thus does not comport with the State Water Board’s Nonpoint Source Policy (see Finding 12).

## **21. Chronology of Timber Waiver of Waste Discharge Requirements**

On 30 January 2003, in response to legislative amendments to Water Code section 13269, the Central Valley Water Board adopted Resolution No. R5-2003-0005, which included a conditional “Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities” (Waiver) as Attachment A.

On 28 April 2005, the Central Valley Water Board adopted Resolution No. R5-2005-0052, which (1) renewed the Waiver for a term of 5 years; (2) revised Attachment A; and (3) added Attachment B, "Monitoring and Reporting Conditions" and Attachment C, "Implementation, Forensic and Effectiveness Monitoring and Reporting Program".

On 18 March 2010, the Central Valley Water Board adopted Order R5-2010-0022, which renewed the Waiver and Attachments A, B, and C for 5 years.

On 4 December 2014, the Central Valley Water Board adopted Order No. R5-2014-0144, which renewed the Waiver and Attachments A, B, and C for an additional 3 years; the Waiver expires on March 31, 2018.

### **MONITORING AND REPORTING PROGRAM**

22. Water Code section 13267(b)(1) provides:

*In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports. (2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes may not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies. However, these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.*

23. Technical reports are necessary to evaluate Discharger compliance with the terms and conditions of this Order and to ensure that applicable water quality objectives are in fact being met. Consistent with Water Code section 13267, this Order requires the implementation of a monitoring and reporting program (MRP) that is designed to determine the effects of a Discharger's nonpoint source activity on water quality, to verify the effectiveness of management practices designed to comply with applicable water quality objectives, to verify the adequacy and effectiveness of the Order's conditions, and to evaluate Discharger compliance with the terms and conditions of the Order. Additional information regarding the justification for monitoring and technical reports under this Order is included in the Information Sheet.



### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

24. The Central Valley Water Board, acting as the lead agency for this project under the California Environmental Quality Act (CEQA)(Public Resources Code, section 21000 et seq.), conducted an Initial Study in 2002 in accordance with California Code of Regulations, title 14, section 15063. The Central Valley Water Board adopted a negative declaration pursuant to CEQA on 30 January 2003 when it issued a Waiver of Waste Discharge Requirements Order No. R5-2003-0005.
25. This action to create a General Order does not require preparation of a subsequent or supplemental environmental document pursuant to the California Code of Regulations, title 14, sections 15162 or 15163. There is no evidence to indicate that substantial changes are proposed for the project, that substantial changes have occurred with respect to the circumstances of the project, or that there is new information of substantial importance with respect to the project, as described in section 15162, subdivision (a). Therefore, the environmental impacts from issuance of this Order have already been adequately assessed in accordance with CEQA (title 14, section 15061(b)(3)).

### **ANTIDEGRADATION**

26. State Water Board Resolution 68-16 (“Statement of Policy with Respect to Maintenance of High Quality Waters in California”) requires the Central Valley Water Board to regulate discharges of waste to waters of the state to achieve the highest water quality consistent with maximum benefit to the people of the state. It further requires that the Discharger meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the state will be maintained. This Order is consistent with Resolution 68-16 because it requires compliance with applicable water quality control plans, prohibits the creation of pollution or nuisance, and sets forth conditions that require Dischargers to implement additional management practices (beyond those required in the FPR and U.S. Forest Service BMP guidance manuals) to assure protection of beneficial uses of waters of the state and maintain the highest water quality consistent with maximum benefit to the people of the state.
27. This Order is in the public interest and is protective of water quality as described below:
  - a. Timberland management activities in California are primarily regulated by other agencies, including CAL FIRE and the U.S. Forest Service. The Central Valley Water Board does not approve timberland management activities, but it does have authority to require compliance with the Water Code.
  - b. Without this Order, timberland management activities would continue under authority of those other agencies, but such activities may not be subject to appropriate conditions protective of water quality.
  - c. Without this Order, the Central Valley Water Board could regulate a smaller

- percentage of timberland management activities in the Region individually, but once enrolled in this Order, timberland management activities are subject to enforceable conditions.
- d. This Order contains conditions that require compliance with the Basin Plans, including applicable water quality objectives and prohibitions.
  - e. This Order contains conditions requiring compliance with an MRP that will assist in the protection of water quality through assessment and verification of the adequacy and effectiveness of Order conditions and management practices.
  - f. Compliance with the conditions of this Order will ensure enrolled Projects are protective of water quality.
  - g. This Order does not approve of or authorize a condition of pollution or nuisance.
  - h. This Order's conditions are subject to enforcement pursuant to Water Code section 13350.
  - i. Given available Central Valley Water Board staff resources, this Order is an effective mechanism to regulate a large number of potential discharges and allows staff to maximize field presence.
  - j. This Order allows staff to continue to participate in the review of proposed timberland management Projects, providing staff the opportunity to require implementation of protective measures beyond those required by CAL FIRE and the U.S. Forest Service for the most critical timber operations.
  - k. This Order allows for inclusion of staff recommendations developed during review of Projects.
  - l. This Order allows for watercourse crossing reconstruction on existing crossings on timber production zoned land outside of a Plan or EM Notice that might otherwise go uncorrected for years.
  - m. The inclusion of an MRP allows for timely application of management practices to protect waters of the state once failures resulting in discharges or potential failures that may result in discharges have been identified.

### **GENERAL FINDINGS**

28. Any person seeking coverage under this Order shall file the applicable eligibility document(s) with the Central Valley Water Board as described herein. Where this Order requires the submittal of a NOI, the Discharger shall complete and submit the [NOI form](http://www.waterboards.ca.gov/centralvalley/water_issues/forest_activities/index.shtml) available at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/forest\\_activities/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/forest_activities/index.shtml). Dischargers shall file any additional eligibility documents required by the Executive Officer.
29. An annual fee for enrollment under this Order is not required pursuant to Assembly Bill 1492, codified as Public Resources Code section 4629.6(c), which states that no currently authorized or required fees shall be charged by the Regional Water Boards for activities or costs associated with the review of Projects or permits necessary to conduct timberland management activities.
30. This Order does not apply to discharges requiring a National Pollutant Discharge

Elimination System (NPDES) permit under the Clean Water Act, including silvicultural point sources as defined in 40 CFR 122.27.

31. This Order does not authorize any act that results in the taking of threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). If a “take” will result from any action authorized under this Order, the Discharger shall obtain appropriate take authorization prior to construction or operation of the Project. The Discharger shall be responsible for meeting all requirements of the applicable Endangered Species Acts.
32. Section 106.3 of the Water Code establishes the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring Dischargers to implement best management practices designed to achieve applicable water quality objectives developed to protect municipal and domestic water supplies.

### **PUBLIC NOTICE & BOARD MEETING**

33. The Central Valley Water Board has notified interested agencies and persons of its intent to issue this Order for discharges of waste from timberland management activities on non-federal and federal lands, and has provided them an opportunity to participate in public workshops and to submit written comments.
34. The Central Valley Water Board conducted a public hearing on 9 June 2017, and all comments, testimony, and evidence pertaining to this Order were heard and considered.
35. This Order is effective upon adoption by the Central Valley Water Board on 9 June 2017 and remains in effect unless rescinded or revised by the Central Valley Water Board.

**IT IS HEREBY ORDERED** that all Dischargers meeting the criteria and conditions for coverage under this Order shall comply with the following:

#### **I. Prohibitions**

1. The Discharger shall not create a condition of pollution, contamination, or nuisance, as defined by Water Code section 13050.
2. The Discharger shall not contribute to an exceedance of any applicable water quality objectives (whether numeric or narrative) or of any applicable state or federal water quality criteria.
3. The discharge of any waste not specifically regulated by this Order is prohibited unless (a) the Discharger complies with Water Code section 13260(a) and the Central Valley

Water Board either issues WDRs pursuant to Water Code section 13263 or an individual waiver pursuant to Water Code section 13269; or (b) the discharge does not create or threaten a condition of pollution or nuisance and the timeframes in Water Code section 13264(a) have lapsed.

4. The Discharger shall not cause any point source discharge of waste to a water of the United States unless such discharge is in compliance with a duly-approved NDPES permit.

## **II. Provisions**

1. Dischargers covered under this Order shall comply with the terms and conditions contained in this Order.
2. The Discharger shall conduct timberland management activities in accordance with (a) the CAL FIRE-approved Plan, CAL FIRE-accepted Exemption (EX) or EM Notice, or CDFW-executed MATO or LSAA, in the case of timberland management activities on non-federal timberlands; or (b) in accordance with the final environmental document/decision document prepared pursuant to the National Environmental Policy Act (NEPA) and valid third party contracts, in the case of timberland management activities on federal lands managed by the U.S. Forest Service.
3. The Discharger shall allow Central Valley Water Board staff reasonable access onto property where activities covered by this Order occur whenever requested by Central Valley Water Board staff for the purpose of performing inspections and conducting monitoring, including; sample collection, measuring, and photographing/taping to determine compliance with Order conditions. Such inspections and monitoring shall be conducted consistent with Water Code section 13267(c), Public Resources Code section 4604(b)(1), and other applicable law.
4. The Discharger shall incorporate management practices and/or water quality protective measures resulting from Central Valley Water Board staff participation in CAL FIRE's Review Team process, the Federal review process, the CDFW review process, and/or during Project enrollment that arise from changed conditions/new information into the Project document(s) and/or NOI addendum. The Discharger may propose alternative management practices if it can demonstrate to the satisfaction of the Executive Officer that the proposed alternatives will meet water quality requirements. Alternative management practices proposed by a Discharger must comply with the Prohibitions in this Order. Until such alternative management practices receive written approval from the Executive Officer, the Discharger shall adhere to those management practices provided by Regional Water Board staff.
5. The Discharger shall maintain a copy of this Order at its primary place of business. The Discharger's designee/agents shall be provided a copy and be familiar with the contents and requirements of this Order.

6. Dischargers shall comply with the attached Monitoring and Reporting Program, Order No. R5-2017-0061, and future revisions thereto or with an individual monitoring and reporting program as specified by the Central Valley Water Board or the Executive Officer.
7. The Discharger shall comply with all applicable requirements and prohibitions of the applicable Basin Plan, including any amendments adopted by the Central Valley Water Board and approved by the State Water Board, and with all applicable policies adopted by the State Water Board.
8. The Executive Officer may require the Discharger to submit additional technical reports pursuant to Water Code section 13267.
9. Pursuant to Water Code section 13263, this Order shall not create a vested right to discharge waste to waters of the state, and all such discharges of waste shall be considered a privilege. Accordingly, the regulatory coverage provided by this Order: (a) may be modified or terminated at any time, either in its entirety or as to any individual Dischargers; (b) does not permit an illegal activity; (c) does not preclude the need for permits which may be required by federal, local, or other governmental agencies; and (d) does not preclude the Central Valley Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code.

### III. Criteria and Condition Specifications by Category

**Table 1** summarizes the enrollment categories and corresponding requirements under this Order. The Central Valley Water Board may determine that a Discharger's otherwise eligible Project does not qualify for enrollment under the requested category, requires enrollment in a different category, or that the Project does not qualify for enrollment under the Order at all. If the Central Valley Water Board makes such a determination, it will provide prompt notice to the Discharger that enrollment in a different category is required or that enrollment under the Order is denied.

Eligibility under Category 1, 2A, or 2B assumes Discharger compliance with applicable criteria/conditions under California Code of Regulations, title 14, section 1038 (for Notices of Exemption) or title 14, section 1052 et seq. (for Emergency Notices). During a declared State of Emergency, an Executive Order may authorize CAL FIRE to suspend some or all of these criteria. In the event of such a suspension, the Central Valley Water Board hereby retains for itself the discretion to require the Discharger to meet otherwise applicable criteria under title 14, section 1038 and/or section 1052 et seq. – whether suspended by CAL FIRE or not – for eligibility under Category 1, 2A, or 2B. The Central Valley Water Board will provide prompt notice to affected Dischargers that it intends to exercise this discretion, if applicable.

**Table 1. Summary of Timberland Management Activity Categories and Requirements<sup>1</sup>**

<b>Lead Agency</b>	<b>Category</b>	<b>Plans/Projects Covered</b>	<b>NOI, operation notification, and monitoring requirements</b>	<b>Pages</b>
CAL FIRE (non-federal)	1	<ul style="list-style-type: none"> <li>• 1038 EX Notices<sup>2,3</sup></li> <li>• 1052.1-1052.5 EM Notices<sup>2</sup> (<b>except fire salvage</b>)</li> <li>• 1104.1 Conversion Exemptions<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Automatically enrolled</li> <li>• Agency Monitoring</li> </ul>	16-17
CAL FIRE (non-federal)	2A	<ul style="list-style-type: none"> <li>• 1052.1 EM Notice<sup>2</sup> for fire salvage on:                             <ul style="list-style-type: none"> <li>○ Industrial timberlands; or</li> <li>○ Non-industrial timberlands when no residence is within EM</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Automatically enrolled contingent on submittal of <b>NOI</b> and <b>Erosion Site Table</b> within 30 days of EM Notice acceptance by CAL FIRE</li> <li>• Post-Fire Management and Reforestation Plan (if applicable)</li> <li>• Annual Agency, Implementation, Forensic, and Effectiveness Monitoring and Summary of Operations</li> <li>• Updates to Erosion Site Table and if applicable, Post-Fire Management and Reforestation Plan</li> </ul>	17-20
CAL FIRE (non-federal)	2B	<ul style="list-style-type: none"> <li>• 1052.1 EM Notice<sup>2</sup> for fire salvage when a non-industrial timberland owner's residence is within EM</li> </ul>	<ul style="list-style-type: none"> <li>• <b>NOI</b> prior to operations</li> <li>• Agency and Effectiveness Monitoring</li> </ul>	20-23
CAL FIRE (non-federal)	3A	<ul style="list-style-type: none"> <li>• THPs, PTHPs, WFMPs, NTMPs, and other Plans<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>• <b>NOI</b> prior to operations</li> <li>• Annual Agency, Implementation, Forensic, and Effectiveness Monitoring and Summary of Operations</li> </ul>	23
CAL FIRE (non-federal)	3B	<ul style="list-style-type: none"> <li>• 1051-1051.7 modified THPs<sup>2</sup>; or</li> <li>• THPs, PTHPs, WFMPs, NTMPs, and other Plans that meet all the low threat criteria in Part III.D.2.a.ii.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>NOI</b> prior to operations</li> <li>• Agency and Effectiveness Monitoring</li> </ul>	23-26

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Lead Agency	Category	Plans/Projects Covered	NOI, operation notification, and monitoring requirements	Pages
CDFW	4	<ul style="list-style-type: none"> <li>Watercourse crossing work conducted under CDFW MATO or LSAA on timber production zoned land for replacement/reconstruction of <b>existing</b> watercourse crossings outside of a Plan or EM Notice</li> </ul>	<ul style="list-style-type: none"> <li>Submit copy of CDFW notification 30 days prior to work commencing</li> <li><b>NOI</b> 30 days prior to operations</li> <li>Implementation, Forensic, and Effectiveness Monitoring</li> </ul>	27
US Forest Service	5A	<ul style="list-style-type: none"> <li>Post-fire timberland management activities (fire salvage and hazard tree removal)</li> </ul>	<ul style="list-style-type: none"> <li>Automatically enrolled contingent on submittal of <b>NOI</b> and <b>Erosion Site Table</b> within 30 days of startup of operations</li> <li>Post-Fire Management and Reforestation Plan (if applicable)</li> <li>Annual Implementation, Forensic, and Effectiveness Monitoring and Summary of Operations</li> <li>Updates to Erosion Site Table and if applicable, Post-Fire Management and Reforestation Plan</li> </ul>	27-30
US Forest Service	5B	<ul style="list-style-type: none"> <li>Timber harvesting sales, vegetation management and fuels reduction, forest stand improvement and hazard tree removal, and pesticide applications associated with the aforementioned.</li> </ul>	<ul style="list-style-type: none"> <li><b>NOI</b> 15 days prior to operations</li> <li>Annual Notice of Operations 15 days prior to startup</li> <li>Annual National Core BMP monitoring protocols OR Implementation, Forensic, and Effectiveness Monitoring and Summary of Operations</li> </ul>	31-33

<sup>1</sup> **This table only provides an abbreviated summary of the criteria, conditions, and monitoring for categories; refer to category specific criteria/conditions and Attachments B and C for complete information.**

<sup>2</sup> California Code of Regulations, title 14, section (as cited in table)

<sup>3</sup> Excludes the cutting and removal of timber and other solids wood forest products for: Christmas trees, structure protection (150 and 300 feet), and woody debris and slash removal (see Attachment A definition of “timber land management activities”).

<sup>4</sup> THP – timber harvesting plan, PTHP – program timber harvesting plan, NTMP – non-industrial timber management plan

**A. Certification of Notice of Non-Applicability on Federal and Non-Federal Lands**

Enrolment under this Order is not required for Projects that (1) do not contain watercourses or wet meadows and other wet areas within or directly adjacent to the Project area AND (2) do not pose a threat to water quality or the beneficial uses of waters of the state (appurtenant roads to be considered in evaluation). **No later than ten days prior** to the startup of operations, Project proponents must submit a **Certification of Notice of Non-Applicability** signed by a duly authorized agent to the Central Valley Water Board certifying that the Project meets the criteria above.

**B. Category 1: Low Threat Exemption and Emergency Notices on Non-Federal Lands**

1. **Eligibility Criteria:** Activities that may proceed under Category 1 are those:

- a) Conducted under a CAL FIRE-accepted Exemption pursuant to California Code of Regulations, title 14, section 1038 (excludes the cutting and removal of timber and other solid wood forest products for Christmas trees, structure protection (150 and 300 feet), and woody debris and slash removal), including but not limited to:
  - i. Harvesting dead, dying or diseased trees;
  - ii. Substantially damaged timberland unmerchantable as sawlog;
  - iii. Forest fire prevention;
  - iv. Drought mortality.

**-OR-**

- b) Conducted under a CAL FIRE accepted Emergency Notice pursuant to the conditions listed in California Code of Regulations, title 14, sections 1052-1052.5 (**substantially damaged timberlands from fire (fire salvage) excluded – see Categories 2A and 2B**), including, but not limited to:
  - i. Harvesting dead or dying (fire salvage excluded);
  - ii. Fuel hazard reduction;
  - iii. Sudden Oak Death disease.

**-OR-**

- c) Conducted under a CAL FIRE-accepted Conversion Exemption pursuant to California Code of Regulations, title 14, section 1104.1, including but not limited to:
  - i. Less than 3 acres for the purpose of fuels reduction and/or construction activities;
  - ii. Public agency, public and private utility right-of-way.

2. **Enrollment:** Projects meeting the eligibility criteria listed above for Category 1 are **automatically** enrolled under the Order and must comply with the conditions listed below.



**3. Conditions:**

- a) The Discharger shall submit a copy of the CAL FIRE-accepted Exemption or Emergency Notice if requested by the Central Valley Water Board.
- b) For Conversion Exemptions that will be for the purpose of residential or commercial development, the Discharger must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), State Water Board Order No. 2009-0009-DWQ prior to construction activities that disturb one or more acres or activities that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
- c) For Exemption Notices (typically less than 3 acre conversions), for cannabis cultivation, the Discharger may need to obtain coverage under the General Permit for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities, Order No. R5-2015-0113 or any applicable Order that the State Water Board may adopt in the future to regulate cannabis cultivation.
- d) The Discharger shall comply with all conditions specified in Attachment B, Monitoring and Reporting Program, Order No. R5-2017-0061, including notifying the Central Valley Water Board whenever: (1) Agency Monitoring detects a violation of the California Forest Practice Rules that relate to water quality protection measures; or (2) management measures fail and result in a discharge, or the potential to discharge, waste to waters of the state.

**C. Categories 2A and 2B: Emergency Notices Related to Fire Salvage on Non-Federal Lands**

**Category 2A (Industrial Fire Salvage and Non-Industrial Fire Salvage With No Residence)**

- 1. **Eligibility Criteria:** Activities that may proceed under Category 2A are those conducted under a CAL FIRE-accepted Emergency Notice pursuant to the conditions listed in California Code of Regulations, title 14, section 1052.1 for:
  - a) Fire Salvage, for **industrial** timberlands.

**-OR-**

  - b) Fire salvage, for **non-industrial** timberlands when a **residence is not within the Emergency area.**
- 2. **Enrollment:** Projects meeting the eligibility criteria listed above for Category 2A are **automatically** enrolled under the Order when the Discharger submits a copy of the Emergency Notice accepted by CAL FIRE to the Central Valley Water Board.

3. **Conditions:** Dischargers conducting timberland management activities that meet the eligibility criteria for Category 2A listed above must comply with all of the following conditions, as applicable:
  - a) The Central Valley Water Board must receive a **complete NOI for Category 2A and Erosion Site Table** (see Table 1 in Category 2A NOI) **within 30 days of Emergency Notice acceptance by CAL FIRE**, signed by the timberland/timber owner, certifying that the activities meet the criteria and conditions for enrollment in Order Category 2A. The Discharger shall provide timely amendments of the **Erosion Site Table** throughout Emergency Notice enrollment to the Central Valley Water Board when conditions or management objectives have changed.
  - b) **IF pesticides will be applied following the fire**, THEN the Discharger shall **EITHER:**
    - i. **Submit a Post-Fire Management and Reforestation Plan (PFP; see Attachment C) to the Central Valley Water Board for approval prior to application of pesticides** within the post-fire management and reforestation plan area. The PFP shall include measures that will provide equal to or better protection than the conditions under Part III.C.3.b.ii below. **The Executive Officer's written approval of the PFP is required before implementation of the PFP can satisfy the requirements of this Part III.C.3.b.; approval or denial of the PFP shall be provided within 30 days of PFP submittal.**

**-OR-**
    - ii. Meet **ALL** of the following conditions:
      1. The Discharger shall **comply with the following pesticide no-spray buffers** (unless more stringent buffers are dictated by application labels/guidance, statute, or regulation):
        - a) For Class I and II watercourses, the applicable WLPZ widths specified in the California Code of Regulations, title 14, section 936.5;
        - b) For Class III and IV watercourses, a minimum of 25 feet where sideslope steepness is less than 30%, and a minimum of 50 feet where sideslope steepness is 30% or greater.
      2. Where management activities are planned on a burned area with **slopes greater than 30%**, a **minimum of 50% average effective groundcover** (see Attachment C for guidance) **is required to be documented prior to pesticide application**. Documentation shall be provided to the Central Valley Water Board in the pesticide notification **30 days prior to application**.

3. The Discharger shall **notify** the Central Valley Water Board **in writing at least 30 days prior to any proposed application of pesticides**. The notification does **not** need to include information on hack and squirt or individual stump applications. The written notification shall include the pesticide product(s) to be applied, the proposed date(s) of application, the method(s) of application, the area(s) of application (CAL FIRE Notice number and Township/Range/Section), a description of measures that will be employed to assure compliance with the applicable Basin Plan, and documentation of 50% or greater effective groundcover (as applicable). Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
- c) The Discharger shall meet the following conditions unless Central Valley Water Board staff has been consulted and agrees to alternative protection measures as warranted by site-specific conditions (see Part II.4.) and/or as requested by the Discharger when such protection is inconsistent with land management objectives:
- i. A minimum Equipment Limitation Zone for any and all Class III and Class IV watercourses of at minimum 25 feet where sideslope steepness is less than 30%, and at a minimum 50 feet where sideslope steepness is 30% or greater.
  - ii. Culverts or other permanent in-stream structures at watercourse crossings in which water is flowing at the time of installation shall be installed with their necessary protective structures (i.e. armoring, wing walls, diversion prevention measures) concurrently with fill placement. Additionally, installation shall utilize methods to temporarily isolate or divert stream flows from the installation area while maintaining bypass flows or as specified in an executed MATO or LSAA from CDFW.
  - iii. Any and all riparian vegetation, other than commercial species, that is found along watercourses and lakes or that is found within or bordering wet meadows and other wet areas shall be retained and protected to the extent feasible during timberland management activities.
- d) **IF:**
- i. Activities are undertaken pursuant to a CAL FIRE Notice on which Central Valley Water Board staff has not consulted; **AND**
  - ii. In the CAL FIRE Notice or **NOI** the Discharger proposes **EITHER**
    1. Timberland management activities on soils with extreme erosion hazard rating (post-fire), known landslides, and/or unstable areas **that have the potential to impact water quality, OR**

2. Any watercourse crossing that involves the placement of more than 500 cubic yards or 25 vertical feet of fill material,

**THEN** additional field review must be conducted or directed by a licensed civil engineer or licensed geologist prior to the startup of operations to determine if activities conducted under the CAL FIRE Notice could cause or exacerbate the potential for soil erosion or mass soil movement. The CAL FIRE Notice or NOI addendum must incorporate all recommendations made by said licensed engineer or geologist for the specific site conditions listed above.

- e) The Discharger shall submit copies of any CDFW **notification(s)** for watercourse crossing work within the burn area associated with a MATO or LSAA **within 30 days of filing the notification with CDFW.**
- f) For a CAL FIRE Notice where aquatic or wetland habitat for rare, threatened or endangered species is identified and where timberland management activities may impact such habitat, additional field review shall be conducted prior to the startup of operations by a scientist, with a bachelor's or advanced degree in biological sciences and experience in aquatic systems, and/or a qualified professional trained in biological assessments to determine if the Notice could adversely affect such species or their habitat. The CAL FIRE Notice or NOI addendum must incorporate all project modifications and mitigation measures recommended by the scientist/professional to avoid impacts to rare, threatened, or endangered species.
- g) If mine tailings and/or associated waste rock will be disturbed or used as construction materials as part of timberland management activities, the Discharger shall contact Central Valley Water Board staff to discuss proper characterization of the materials to ensure prior to such disturbance or use there will be no adverse impacts to water quality and beneficial uses.
- h) The Discharger shall comply with all the conditions specified in Attachment B, Monitoring and Reporting Program, Order No. R5-2017-0061. Category 2A will be subject to agency, implementation, forensic, and effectiveness monitoring; an annual operations summary; and updates to the **Erosion Site Table** and PFP (as applicable).
- i) The Discharger shall seek termination of coverage under the Order in accordance with Part V.A., Termination of Coverage.

#### **Category 2B (Non-Industrial Fire Salvage with Residence)**

4. **Eligibility Criteria:** To be eligible for enrollment under Category 2B, activities must be:
  - a) Conducted under a CAL FIRE-accepted Emergency Notice pursuant to the conditions listed in California Code of Regulations, title 14, section 1052.1 for **fire**

**salvage**, when a **non-industrial** timberland owner's **residence is within the Emergency area**.

5. **Enrollment:** Projects that meet the Category 2B eligibility criteria shall enroll under this Order by submitting the following **prior to operations commencing**: (1) a copy of the CAL FIRE-accepted Notice, and (2) a single **NOI for Categories 2B, 3A, and 3B**, signed by the timberland/timber owner, certifying that the activities meet the criteria and conditions for enrollment in Order Category 2B. **Central Valley Water Board staff will review and respond to the NOI within 15 days of receipt; activities may commence in compliance with this Order once the Central Valley Water Board has issued a Notice of Applicability (NOA) to the Discharger indicating that the NOI is complete.**
6. **Conditions:** Dischargers conducting timberland management activities under Category 2B must comply with the following conditions, as applicable:
  - a) The Discharger must meet the following conditions unless Central Valley Water Board staff has been consulted and agrees to alternative protection measures as warranted by site-specific conditions (see Part II.4.) and/or as requested by the Discharger when such protection is inconsistent with land management objectives:
    - i. A minimum Equipment Limitation Zone for any and all Class III and Class IV watercourses of at minimum 25 feet where sideslope steepness is less than 30%, and at a minimum 50 feet where sideslope steepness is 30% or greater.
    - ii. Culverts or other permanent in-stream structures at watercourse crossings in which water is flowing at the time of installation shall be installed with their necessary protective structures (i.e. armoring, wing walls, diversion prevention measures) concurrently with fill placement. Additionally, installation shall utilize methods to temporarily isolate or divert stream flows from the installation area while maintaining bypass flows or as specified in an executed MATO or LSAA from CDFW.
    - iii. Any and all riparian vegetation, other than commercial species, that is found along watercourses and lakes or that is found within or bordering wet meadows and other wet areas shall be retained and protected to the extent feasible during timberland management activities.
  - b) **IF:**
    - i. Activities are undertaken pursuant to a CAL FIRE Notice on which Central Valley Water Board staff has not consulted; **AND**
    - ii. The CAL FIRE Notice proposes **EITHER**

1. Timberland management activities on soils with extreme erosion hazard rating (post-fire), known landslides, and/or unstable areas **that have the potential to impact water quality, OR**
2. Any watercourse crossing that involves the placement of more than 500 cubic yards or 25 vertical feet of fill material,

**THEN** additional field review must be conducted or directed by a licensed civil engineer or registered geologist prior to the startup of operations to determine if the CAL FIRE Notice could cause or exacerbate the potential for soil erosion or mass soil movement. The CAL FIRE Notice or NOI addendum must incorporate all recommendations made by said licensed engineer or geologist for the specific site conditions listed above.

- c) The Discharger shall submit copies of any CDFW **notification(s)** for watercourse crossing work within the burn area associated with a MATO or LSAA **within 30 days of filing the notification with CDFW.**
- d) For a CAL FIRE Notice where aquatic or wetland habitat for rare, threatened or endangered species is identified and where timberland management activities may impact such habitat, additional field review shall be conducted prior to the startup of operations by a scientist, with a bachelor's or advanced degree in biological sciences and experience in aquatic systems, and/or a qualified professional trained in biological assessments to determine if the Notice could adversely affect such species or their habitat. The CAL FIRE Notice or NOI addendum must incorporate all project modifications and mitigation measures recommended by the scientist/professional to avoid impacts to rare, threatened, or endangered species.
- e) The Discharger shall **notify** the Central Valley Water Board in writing at least **15 days prior to any proposed application of pesticides**; the notification does **not** need to include information on hack and squirt or individual stump applications. The written notification shall include the pesticide product(s) to be applied, the proposed date(s) of application, the method(s) of application, the area(s) of application (Notice number and Township/Range/Section), and a description of measures that will be employed to assure compliance with the applicable Basin Plan. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
- f) If mine tailings and/or associated waste rock will be disturbed or used as construction materials as part of timberland management activities, the Discharger shall contact Central Valley Water Board staff to discuss proper characterization of the materials to ensure prior to such disturbance or use there will be no adverse impacts to water quality and beneficial uses.

- g) The Discharger shall comply with all the conditions specified in Attachment B, Monitoring and Reporting Program, Order No. R5-2017-0061. Category 2B will be subject to agency and effectiveness monitoring.
- h) The Discharger shall seek termination of coverage under the Order in accordance with Part V.A., Termination of Coverage.

**D. Categories 3A and 3B: Plans that Receive Discretionary Approval from CAL FIRE on Non-Federal Lands**

**Category 3A (Plans With a Higher Threat to Water Quality)**

1. **Eligibility Criteria:** To be enrolled under Category 3A, activities must meet the following criteria:

- a) The covered activities are timberland management activities on non-federal lands that receive discretionary approval from CAL FIRE, including but not limited to:
  - i. Timber harvesting plans;
  - ii. Program timber harvesting plans;
  - iii. Working forest management plans;
  - iv. Non-industrial timber management plans;
  - v. Other Plans.
- b) The approved Plan documents or **NOI** addendum include additional management practices and/or water quality protective measures (beyond the requirements of the current Forest Practice Rules) identified during the CAL FIRE Review Team process and/or during Project enrollment (i.e. changed conditions/new information)(see Part II.4.).

**Category 3B (Plans With a Lower Threat to Water Quality)**

2. **Eligibility Criteria:** To be enrolled under Category 3B, activities must meet the following criteria:

- a) The covered activities are timberland management activities on non-federal lands that receive discretionary approval from CAL FIRE, including but not limited to:
    - i. Modified timber harvesting plans pursuant to California Code of Regulations, title 14, sections 1051-1051.7;
- OR-**
- ii. Timber harvesting plans, program timber harvesting plans, working forest management plans, non-industrial timber management plans, and other Plans that **comply with all of the following criteria:**

1. No timberland management activities (i.e. watercourse crossing, road, and/or landing reconstruction/construction/abandonment) within the standard width of a WLPZ or ELZ (as defined in CCR, title 14, section 936.5), wet meadows and other wet areas, **except** for: 1) the use and maintenance (not reconstruction) of **existing** stable roads and associated watercourse crossings in good working condition that **will not result in a significant sediment discharge**, and 2) the installation and use of **dry** Class III watercourse tractor crossings;
  2. No significant existing or potential erosion sites;
  3. No ground-based equipment on high or extreme Erosion Hazard Rating (EHR) that may result in a significant sediment discharge;
  4. No timberland management activities conducted in-lieu of the standard WLPZ practices contained in the Forest Practice Rules.
- b) The approved Plan documents or **NOI** addendum include additional management practices and/or water quality protective measures (beyond the requirements of the current Forest Practice Rules) identified during the CAL FIRE Review Team process and/or during Project enrollment (i.e. as a result of changed conditions/new information) (see Part II.4.).
3. **Enrollment:** Dischargers conducting activities that meet the criteria of Category 3A or 3B shall enroll under this Order as follows:
- a) The Discharger shall submit a copy of the CAL FIRE approved Plan if requested by Central Valley Water Board staff. The Plan must incorporate additional or modified management practices and/or water quality protective measures resulting from the CAL FIRE Review Team process.
  - b) The Discharger shall submit a single completed **NOI for Categories 2B, 3A, and 3B prior to operations commencing**, signed by the timberland/timber owner, certifying that the activities meet the criteria and conditions contained in either Order Category 3A or 3B. **Central Valley Water Board staff will review and respond to the NOI within 15 days of receipt; activities may commence once the Central Valley Water Board has issued a NOA to the Discharger indicating that their NOI is complete.**
4. **Conditions:** Dischargers conducting timberland management activities under Category 3A or 3B must comply with the following conditions, as applicable:
- a) For CAL FIRE-approved **NTMPs** that do not incorporate the FPR “Road Rules” (Cal. Code Regs., tit. 14, art. 12) which became effective January 2015, the Discharger must submit an inventory of significant existing or potential erosion sites, as detailed in California Code of Regulations, Title 14, section 923.1(e), to the Central Valley Water Board **at least 15 days prior to commencement of timberland management activities**. The erosion inventory shall: (1) be prepared



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by an RPF; (2) encompass the NTO area and appurtenant roads at a minimum; and (3) include an implementation schedule for treatment of erosion sites.

b) **IF:**

- i. Activities are undertaken pursuant to a Plan on which Central Valley Water Board staff has not consulted; **AND**
- ii. In the Plan the Discharger proposes **EITHER**
  1. Timberland management activities on soils with extreme erosion hazard rating, known landslides, and/or unstable areas **that have the potential to impact water quality, OR**
  2. Any watercourse crossing that involves the placement of more than 500 cubic yards or 25 vertical feet of fill material,

**THEN** additional field review must be conducted or directed by a licensed civil engineer or registered geologist prior to the startup of operations to determine if activities conducted under the Plan could cause or exacerbate the potential for soil erosion or mass soil movement. The Plan or NOI addendum must incorporate all recommendations made by said licensed engineer or geologist for the specific site conditions listed above.

- c) Culverts or other permanent in-stream structures at watercourse crossings in which water is flowing at the time of installation shall be installed with their necessary protective structures (e.g. armoring, wing walls, diversion prevention measures) concurrently with fill placement. Additionally, installation shall utilize methods to temporarily isolate or divert stream flows from the installation area while maintaining bypass flows or as specified in an executed MATO or LSAA from CDFW.
- d) For Plans that will be for the purpose of cannabis cultivation, the Discharger may need to obtain coverage under the General Permit for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities, Order No. R5-2015-0113 or any applicable Order that the State Water Board may adopt in the future to regulate cannabis cultivation.
- e) If mine tailings and/or associated waste rock will be disturbed or used as construction materials as part of timberland management activities, the Discharger shall contact Central Valley Water Board staff to discuss proper characterization of the materials to ensure prior to such disturbance or use there will be no adverse impacts to water quality and beneficial uses.
- f) The Discharger shall comply with all the conditions specified in Attachment B, Monitoring and Reporting Program, Order No. R5-2017-0061.

- g) The Discharger shall **notify** the Central Valley Water Board in writing at least **15 days prior to any proposed application of pesticides**; the notification does **not** need to include information on hack and squirt or individual stump applications. The written notification shall include the pesticide product(s) to be applied, the proposed date(s) of application, the method(s) of application, the area(s) of application (Plan number and Township/Range/Section), and a description of measures that will be employed to assure compliance with the applicable Basin Plan. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
- h) The Discharger shall seek termination of coverage under the Order in accordance with Part V.A., Termination of Coverage.

For **non-expiring Plans** (such as NTMPs and WFMPs), the Discharger has the following enrollment/termination options: (1) enroll and terminate with each entry (NTO/Notice), or (2) remain continuously enrolled for the duration of the Plan with an additional requirement to certify in the annual report when discharges associated with timberland management activities for each NTO/Notice area have ceased prior to cessation of monitoring for that entry (see Attachment B, Part V.B.).

#### **E. Category 4: Watercourse Crossing Work Conducted under a MATO or LSAA Outside of a Plan / Emergency Notice on Non-Federal Lands**

- 1. **Eligibility Criteria:** To be enrolled under Category 4, activities must meet the following criteria:
  - a) The activities are conducted under a CDFW-executed MATO or LSAA on timber production zoned land pursuant to the conditions listed in Fish and Game Code sections 1600-1616 for replacement/reconstruction of **existing** watercourse crossings outside of a CAL FIRE accepted EM Notice or approved Plan.
  - b) A **NOI** is submitted on a project-by-project basis (i.e. no long-term enrollment of a MATO).
  - c) The CDFW notification/sub-notification or **NOI** incorporates any water quality protective measures identified during review of the project (see Part II.4.).
- 2. **Enrollment:** Dischargers conducting timberland management activities under Category 4 shall enroll under this Order by complying with the following:
  - a) Submit a copy of the CDFW notification to Central Valley Water Board staff concurrent with submittal to CDFW; at a minimum, **the notification must be submitted at least 30 days prior to work commencing**. The scope of the notification shall encompass all information required by the applicable MATO or CDFW Form FG2023 for an individual LSAA. The Discharger shall notify the Central Valley Water Board if CDFW declares the notification incomplete or

requests additional information.

- b) Submit a **NOI for Category 4 at least 30 days prior to operations commencing** signed by the timberland/timber owner certifying that the activities meet the criteria and conditions required in Category 4. Activities may commence once the Central Valley Water Board has issued an NOA to the Discharger indicating that their NOI is complete
3. **Conditions:** Dischargers conducting timberland management activities enrolled under Category 4 shall comply with the following conditions:
- a) Comply with all water quality management practices identified in the CDFW-executed MATO or LSAA and shall provide any amendments/project changes to the Central Valley Water Board for review in a timely manner. The Discharger shall submit a copy of the LSAA and appropriate CEQA documentation to the Central Valley Water Board. A MATO shall only be submitted when requested.
  - b) Notify Central Valley Water Board staff of any scheduled site visit with CDFW staff; Central Valley Water Board staff retains the discretion to require a site visit in accordance with Part II.3.
  - c) The Discharger shall comply with all the requirements specified in Attachment B, Monitoring and Reporting Program, Order No. R5-2017-0061. Category 4 will be subject to Implementation, Forensic, and Effectiveness Monitoring.
  - d) The Discharger shall seek termination of coverage under the Order in accordance with Part V.A., Termination of Coverage.

**F. Categories 5A and 5B: Timberland Management Activities on Federal Lands Managed by the U.S. Forest Service**

**Category 5A (Post-Fire Activities)**

1. **Eligibility Criteria:** To be enrolled under Category 5A, activities must meet the following criteria:
  - a) Post-fire timberland management activities (e.g. fire salvage and post-fire hazard tree removal for commercial purposes) that have the potential to impact water quality, excluding emergency work conducted during or immediately (within 60 days) after the fire, on federal lands where the U.S. Forest Service has conducted the required or appropriate level of multi-disciplinary review of the timber harvesting proposal and has specified best management practices and additional control measures as needed, in order to assure compliance with the applicable Basin Plan.

- b) The U.S. Forest Service has provided Project description documents to the Central Valley Water Board and allowed time for adequate review and comment. These documents include: 1) the NEPA scoping document; and 2) the NEPA draft environmental analysis, which will include site specific information that identifies Significant Existing or Potential Erosion Sites (SEPEs) and priority road improvement locations, as well as, proposed treatments and schedule for those sites to improve or protect water quality. Supplemental project documents may also be provided that contain design specifications, management practices, and/or water quality protection measures. Any additional management practices and/or water quality protective measures identified by Central Valley Water Board staff during the scoping period and/or enrollment under this Order will have been discussed with U.S. Forest Service personnel and incorporated into an addendum to the **NOI** (see Part II.4.), including a timeline and checklist for completion. The project will remain enrolled until all identified management practices and/or water quality protective measures have been completed.
  - c) The U.S. Forest Service has conducted a cumulative watershed effects (CWEs) analysis, where required or appropriate, and included specific measures needed to reduce the potential for CWEs in order to assure compliance with the applicable Basin Plan.
2. **Enrollment:** Projects meeting the Category 5A eligibility criteria are **automatically** enrolled under this Order when the U.S. Forest Service submits copies of final project specific decision/NEPA documents that contain information documenting compliance with the eligibility criteria in Part III.F.1.

The U.S. Forest Service shall include all specific on-the-ground prescriptions designed to adhere to the BMPs described in *National Best Management Practices for Water Quality Management on National Forest System Lands, Volume 1: National Core BMP Technical Guide*, and all additional management practices and/or water quality protective measures identified by Central Valley Water Board staff (See Part II.4.) within contracts, permits, agreements, and other instruments used to direct the activities of contractors, permittees, U.S. Forest Service personnel, volunteers, and any other third party.

3. **Conditions:** Dischargers conducting timberland management activities enrolled under Category 5A must comply with the following conditions, as applicable:
- a) The U.S. Forest Service shall submit **a complete NOI for Category 5A and Erosion Site Table** (see Table 1 in Category 5A NOI) **within 30 days of startup of operations**, signed by a duly authorized representative, certifying that the activities meet the criteria and conditions for enrollment in Order Category 5A. The U.S. Forest Service shall provide timely amendments of the **Erosion Site Table** to the Central Valley Water Board throughout Project enrollment when conditions or management objectives have changed.

- b) For Projects that were included in a Burned Area Emergency Response (BAER) evaluation, the U.S. Forest Service may submit the BAER report in-lieu of the **Erosion Site Table**, if the report includes all the required information (including implementation schedule) and the Discharger intends to implement the BAER recommendations that have a nexus with water quality protection. If the BAER report is incomplete, and does not contain all of the information required in the **Erosion Site Table**, the U.S. Forest Service may submit an addendum to the BAER report with missing or incomplete information.
- c) **IF pesticides will be applied following the fire**, THEN the Discharger shall **EITHER**:
- i. Submit a Post-Fire Management and Reforestation Plan (PFP; see Attachment C) to the Central Valley Water Board for approval prior to application of pesticides within the post-fire management and reforestation plan area. The PFP shall include measures that will provide equal to or better protection than the conditions under Part III.F.3.c.ii below. The Executive Officer's written approval of the PFP is required before implementation of the PFP can satisfy the requirements of this Part III.F.3.c.; approval or denial of the PFP shall be provided within 30 days of PFP submittal.

**-OR-**

- ii. Meet **ALL** the following conditions:
  1. The Discharger must **comply with the following pesticide no-spray buffers** (unless more stringent buffers are dictated by application labels/guidance, statute, or regulation):
    - a. Perennial or intermittent watercourses which have: (1) surface domestic water use from and/or within 100 feet downstream of operations area and/or (2) fish always or seasonally present onsite, includes habitat to sustain fish migration and spawning, shall utilize the appropriate **Class I WLPZ width(s)** specified in the California Code of Regulations, title 14, section 936.5.
    - b. Perennial or intermittent watercourses which have: (1) fish always or seasonally present off-site within 1000 feet downstream (excludes intermittent or ephemeral watercourses with no aquatic life that are tributary to watercourses described under (a) above) and/or (2) aquatic habitat for nonfish aquatic species (aquatic insects and/or other physical habitat indicators such as riparian and aquatic vegetation, watercourse debris, and potential for small pool formation), shall utilize the appropriate **Class II WLPZ width(s)** specified in the California Code of Regulations, title 14, section 936.5.

- c. Ephemeral or intermittent watercourses with no aquatic life present, watercourse shows evidence of being capable of sediment transport to watercourses described under (a) and (b) above, shall utilize a minimum of **25 feet** where sideslope steepness is **less than 30%**, and a minimum of **50 feet** where sideslope steepness is **30% or greater**.
  2. Where management activities are planned on a burned area with slopes greater than 30%, a minimum of 50% average effective groundcover (see Attachment C for guidance) is required to be documented prior to pesticide application. Documentation shall be provided to the Central Valley Water Board in the pesticide notification 30 days prior to application.
  3. The Discharger shall adhere to the resource protection measures in the Chemical Use Management Activities as designated in the National Best Management Practices for Water Quality Management on National Forest System Lands (USDA April 2012).
  4. The Discharger shall **notify** the Central Valley Water Board **in writing at least 30 days prior to any proposed application of pesticides**; the notification does **not** need to include information on hack and squirt or individual stump applications. The written notification shall include the pesticide product(s) to be applied, the proposed date(s) of application, the method(s) of application, the area(s) of application (Township/Range/Section), a description of measures that will be employed to assure compliance with the applicable Basin Plan, and documentation of 50% or greater effective groundcover (as applicable). Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
- d) For approved Projects that require enrollment under the Order, the Discharger shall **notify the Central Valley Water Board each year at least 15 days prior to start of operations**.
  - e) The U.S. Forest Service shall comply with all conditions specified in Attachment B, Monitoring and Reporting Program, Order No. R5-2017-0061. Category 5A will be subject to Implementation, Forensic, and Effectiveness Monitoring; an Annual Summary of Operations; and amendments/updates to the **Erosion Site Table** and PFP (as applicable).
  - f) The U.S. Forest Service shall seek termination of coverage under the Order in accordance with Part V.A., Termination of Coverage.

**Category 5B (All timberland management activities except post-fire activities)**

4. **Eligibility Criteria:** To be enrolled under Category 5B, activities must meet the following criteria:
- a) Timberland management activities (see definition of “timberland management activities” as it relates to activities that are commercial in nature) on federal lands where the U.S. Forest Service has conducted a multi-disciplinary review of the timber harvesting proposal and has specified best management practices and additional control measures as needed in order to assure compliance with the applicable Basin Plan. Timberland management activities may include, but are not limited to:
    - i. Timber harvesting sales;
    - ii. Vegetation management and fuels reduction projects;
    - iii. Forest stand improvement and hazard tree removal (excluding hazard tree removal projects that do not pose a threat to water quality (i.e. isolated tree removal in campgrounds, etc.));
    - iv. Pesticide applications associated with Part III.F.4.a.i.,ii.,iii. above.
  - b) The U.S. Forest Service has provided Project description documents to the Central Valley Water Board and allowed time for adequate review and comment. These documents include: 1) the NEPA scoping document; and 2) the NEPA draft environmental analysis, which will include site specific information that identifies SEPES and priority road improvement locations, as well as, proposed treatments and schedule for those sites to improve or protect water quality. Supplemental project documents may also be provided that contain design specifications, management practices, and/or water quality protection measures. Any additional management practices and/or water quality protective measures identified by Central Valley Water Board staff during the scoping period and/or enrollment under this Order will have been discussed with U.S. Forest Service personnel and incorporated into an addendum to the NOI (see Part II.4.), including a timeline and checklist for completion. The project will remain enrolled until all identified management practices and/or water quality protective measures have been completed.
  - c) The U.S. Forest Service has conducted a CWE analysis, where required or appropriate, and included specific measures needed to reduce the potential for CWEs in order to assure compliance with the applicable Basin Plan.
5. **Enrollment:** To enroll under Category 5B, the U.S. Forest Service shall comply with the following:
- a) Submit to the Central Valley Water Board copies of final decision documents that contain information documenting compliance with the eligibility criteria above. A

copy of applicable final NEPA documents shall be submitted upon written request by Central Valley Water Board staff.

- b) Submit an **NOI for Category 5B at least 15 days prior to operations commencing**, signed by a duly authorized representative, certifying that the activities meet the criteria and conditions for Order Category 5B. Activities may commence once the Central Valley Water Board has issued a NOA to the Discharger indicating that the NOI is complete.
  - c) Submit all specific on-the-ground prescriptions designed to adhere to the U.S. Forest Service BMPs as described in *National Best Management Practices for Water Quality Management on National Forest System Lands, Volume 1: National Core BMP Technical Guide*, and all additional management practices and/or water quality protective measures identified by Central Valley Water Board staff (See Part II.4.) within contracts, permits, agreements, and other instruments used to direct the activities of contractors, permittees, U.S. Forest Service personnel, volunteers, and any other third party.
6. **Conditions:** Dischargers conducting timberland management activities enrolled under Category 5B shall comply with the following conditions, as applicable:
- a) For approved Projects that require enrollment under the Order, the Discharger shall **notify the Central Valley Water Board each year at least 15 days prior to start of operations**.
  - b) The Discharger shall **notify the Central Valley Water Board, in writing, at least 15 days prior to any proposed application of pesticides**; the notification does **not** need to include information on hack and squirt or individual stump applications. The written notification shall include the pesticide product(s) to be applied, the proposed date(s) of application, the method(s) of application, project name, area(s) of application (include map), and a description of measures that will be employed to assure compliance with the applicable Basin Plan. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
  - c) The U.S. Forest Service shall comply with all conditions specified in Attachment B, Monitoring and Reporting Program, Order No. R5-2017-0061.

Category 5B will be subject to one National Core BMP monitoring protocol as dictated by Project activities. In addition, one additional National Core BMP monitoring protocol will be required when the Discharger's cumulative watershed effects analysis indicates that the project, combined with other U.S. Forest Service projects conducted in the watershed over the past 10 years, may cause any watershed or sub-watershed to exceed a threshold of concern as determined by various models (i.e., Equivalent Roaded Acres (ERA), Surface Erosion (USLE),



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Mass Wasting (GEO), etc.). Dischargers have the option to conduct the standard Implementation, Forensic, and Effectiveness monitoring at the Project level in lieu of the National Core BMP monitoring protocols.

- d) The U.S. Forest Service shall seek termination of coverage under the Order in accordance with Part V.A., Termination of Coverage.

#### IV. Notice of Intent

To apply for coverage under this Order, the Discharger must submit a timely and complete category-specific Notice of Intent for approval by the Executive Officer as follows:

Category	Non-Federal	Federal	Required Forms
No threat	Yes	Yes	Notice of Non-Applicability (NONA)
1	Yes	No	None <sup>1</sup>
2A	Yes	No	NOI for Category 2A and Erosion Site Table <sup>2</sup>
2B, 3A, or 3B	Yes	No	NOI for Categories 2B, 3A, and 3B
4	Yes	No	NOI for Category 4
5A	No	Yes	NOI for Category 5A and Erosion Site Table <sup>3</sup>
5B	No	Yes	NOI for Category 5B

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<sup>1</sup> Automatically enrolled; submission of a NOI is not required.

<sup>2</sup> Automatically enrolled contingent on submittal of a complete NOI and Erosion Site Table within 30 days of startup of operations.

<sup>3</sup> Automatically enrolled contingent on submittal of a complete NOI and Erosion Site Table within 30 days of startup of operations.

Timberland management activities may commence for Categories 2B, 3A, 3B, 4, and 5B once Central Valley Water Board staff has reviewed the NOI for completeness/accuracy and has issued a Notice of Applicability (NOA). Categories 2A and 5A are automatically enrolled but require timely submittal of a complete **NOI** and **Erosion Site Table** as a condition of this Order.

#### V. Termination of Coverage

##### A. Initiated by Discharger

The following criteria must be satisfied before termination of Order coverage will be considered by the Executive Officer:

- Timberland management activities are completed;
- All Category specific eligibility criteria/conditions were met;
- All elements of required monitoring and reporting have been completed;
- Soil disturbed by timberland management activities has stabilized;
- Pesticide applications have ceased and are not proposed in the foreseeable future;
- All feasible management measures and mitigations identified in the required

Erosion Site Table (Category 2A/5A) and/or Post-Fire Management Plan (as applicable) have been completed and discharges have ceased.

In signing the Notice of Termination (NOT), the Discharger or U.S. Forest Service representative shall certify that: (1) the enrolled Project was conducted in conformance with the approved Plan, accepted CAL FIRE Notice, approved MATO/LSAA, or U.S. Forest Service Project requirements, as well as all applicable eligibility criteria/conditions and other applicable Provisions of this Order; and (2) discharges resulting from timberland management activities (including those associated with pesticide applications) were in compliance and will continue to comply with all requirements of the applicable Basin Plan.

The NOT shall be reviewed for compliance with the above criteria. A field inspection may be conducted to verify compliance with all applicable requirements under this Order. The Central Valley Water Board shall notify the Discharger **within 90 days** following receipt of a NOT of approval or denial.

**Non-federal Projects** - The Discharger may terminate coverage under this Order by submitting to the Central Valley Water Board a signed Notice of Termination (NOT) and a CAL FIRE-approved final completion RM-71 form (if available and applicable).

**Federal Projects** - The Discharger may terminate coverage under this Order by submitting to the Central Valley Water Board a NOT signed by the Forest Supervisor or District Ranger.

## **B. Initiated by Executive Officer**

The Executive Officer may terminate the applicability of this Order for a Project if any of the following determinations are made:

1. The proposed timberland management activities do not comply with the eligibility criteria for this Order.
2. The timberland management activities are not in compliance with the applicable conditions of this Order.
3. The proposed timberland management activities are reasonably likely to cause or contribute to a violation of an applicable Basin Plan or policy. In making this determination, the Executive Officer will consider the recommendations of Central Valley Water Board staff that participated in the review of the proposed timberland management activities, if any.
4. A timberland management activity has varied in whole or in any part from the approved Project, unless these changes result in better protection of water quality.

Upon receipt of notice of termination of applicability of the Order initiated by the Executive Officer, the Discharger shall immediately cease all timberland management activities that may result in discharges to waters of the state, other than activities necessary to control

erosion. Before a Discharger may recommence timberland management activities that may result in discharges of waste to waters of the state, the Discharger must follow the applicable procedure either for enrolling under this Order or for obtaining individual waste discharge requirements pursuant to Water Code section 13260. Pursuant to Water Code section 13264, such activities may not recommence unless and until the Discharger receives an NOA under this Order or individual waste discharge requirements are adopted by the Central Valley Water Board.

## VI. Petitions

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the [law and regulations applicable to filing petitions](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality), or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 9 June 2017.

*Original signed by* \_\_\_\_\_

PAMELA C. CREEDON, Executive Officer

**ATTACHMENT A**  
**DEFINITIONS**  
**FOR**  
**ORDER NO. R5-2017-0061**

1. “Timberland management activities” means commercial activities relating to forest management and timberland conversions, including, but not limited to: cutting or removal of timber and other solid wood forest products; construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, watercourse crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; pesticide applications; site preparation that involves disturbance of soil or burning of vegetation following timberland management activities; but excluding preparatory treemarking, surveying or roadflagging. This definition excludes the cutting and removal of timber and other solid wood forest products for Christmas trees, structure protection (150 and 300 feet), and woody debris and slash removal associated with CCR, title 14, section 1038 exemptions.
2. “Discharger” means the timberland owner or timber owner and anyone working on behalf of the timberland/timber owner in the conduct of timberland management activities for non-federal lands, and the U.S. Forest Service, private timber operators operating on federal lands, and anyone working on behalf of the U.S. Forest Service or a timber operator in the conduct of timberland management activities on federal lands.
3. “Effective Groundcover” any combination of slash (lopped and in close contact with the ground), mulch (large wood chips, wood shreds, wood strand blends, straw, bark, or surface rock fragments larger than  $\frac{3}{4}$  inch), plants, and plant litter. Large wood chips should be a minimum of 2 inches in length and at least four (4) times longer than they are wide.
4. “Monitoring” refers to all types of monitoring undertaken in connection with determining water quality conditions and factors that may affect water quality conditions, including but not limited to, implementation, effectiveness, forensic, and Order compliance monitoring undertaken in connection with timberland management activities.
5. “Plan” means any Timber Harvesting Plan (THP), Program Timber Harvesting Plan (PTHP), Nonindustrial Timber Management Plan (NTMP), Working Forest Management Plan (WFMP), Modified Timber Harvesting Plan, Notice of Timber Operations, Working Forest Harvest Notice, or other discretionary permit issued by CAL FIRE to harvest timber, including all substantial deviations thereto that propose a change in timberland management activities that may increase the discharge or otherwise pose the potential for increased impacts to water quality. (For example, substantial deviations that propose to add, expand, or extend winter operations shall be considered a “Plan” for purposes of this Order. Minor deviations that do not propose any material change in how or where timberland management activities will be conducted, such as a change in timber operator, a time extension from CAL FIRE, etc., shall not be considered a “Plan” for purposes of this Order.)
6. “Pesticide” means (1) any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, which may infest or be detrimental to vegetation, man, animals, or

Attachment A – Definitions

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households, or be present in any agricultural or nonagricultural environment whatsoever, or (2) any spray adjuvant, or (3) any breakdown products of these material that threaten beneficial uses. This definition excludes aquatic pesticide discharges covered under Order No. 2013-0002-DWQ.

7. “Project” means any CAL FIRE Plan (as defined in #5 above), CAL FIRE Emergency/Exemption Notice, or existing watercourse crossing reconstruction not covered under a Plan or Emergency Notice but conducted pursuant to a CDFW-executed MATO or LSAA on timber production zoned non-federal lands, and any timberland management activities (i.e. timber sales, fire salvage, fuel hazard reduction, forest stand improvement and hazard tree removal) on federal lands.
8. “Significant Existing or Potential Erosion Site (SEPES)” means a location where soil erosion is currently, or there are visible physical conditions to indicate soil erosion may be in the future, discharged to watercourses or lakes in quantities that violate a water quality objective (narrative or numeric), prohibition, Total Maximum Daily Load implementation plan, policy, or other requirement contained in a water quality control plan adopted by the Regional Board and approved by the State Water Board, or a location where soil erosion may result in significant individual or cumulative adverse impacts to the beneficial uses of water.
9. “Watercourse protection zone” means any Watercourse and Lake Protection Zone, Equipment Limitation Zone, and Equipment Exclusion Zone for the protection of waters of the state as defined in California Code of Regulations, title 14, section 895.1 of the California Forest Practice Rules; it also means any Riparian Reserve or Riparian Conservation Area for federal Projects.
10. All other terms shall have the same definitions as defined in California Code of Regulations, title 14, section 895.1 of the California Forest Practice Rules and the Porter-Cologne Water Quality Control Act, unless specified otherwise. A few definitions from the 2017 FPR that are used throughout the Order are cited below for ease of reference:

“Equipment Exclusion Zone” (EEZ) means the area, as explained in the THP, where heavy equipment associated with timber operations is totally excluded for the protection of water quality, the beneficial uses of water, and/or other forest resources.

“Equipment Limitation Zone” (ELZ) means the area, as explained in the THP, where heavy equipment associated with timber operations is limited for the protection of water quality, the beneficial uses of water, and/or other forest resources.

“Erosion Hazard Rating” (EHR) means the rating derived from the procedure specified in 14 CCR § 912.5 [932.5, 952.5] designed to evaluate the susceptibility of the soil within a given location to erosion.

“Hydrologic Disconnection” means the removal of direct routes of drainage or overland flow of road runoff to a watercourse or lake.

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“Saturated Soil Conditions” means that soil and/or surface material pore spaces are filled with water to such an extent that runoff is likely to occur. Indicators of saturated soil conditions may include, but are not limited to: (1) areas of ponded water, (2) pumping of fines from the soil or road surfacing material during timber operations, (3) loss of bearing strength resulting in the deflection of soil or road surfaces under a load, such as the creation of wheel ruts, (4) spinning or churning of wheels or tracks that produces a wet slurry, or (5) inadequate traction without blading wet soil or surfacing materials.

“Significant Sediment Discharge” means soil erosion that is currently, or, as determined based upon visible physical conditions, may be in the future, discharged to watercourses or lakes in quantities that violate Water Quality Requirements or result in significant individual or cumulative adverse impacts to the beneficial uses of water. One indicator of a Significant Sediment Discharge is a visible increase in turbidity to receiving Class I, II, III, or IV waters.

“Water Quality Requirements” means a water quality objective (narrative or numeric), prohibition, TMDL implementation plan, policy, or other requirement contained in a water quality control plan adopted by the Regional Board and approved by the State Water Board.

“Watercourse and Lake Protection Zone” (WLPZ) means a strip of land, along both sides of a watercourse or around the circumference of a lake or spring, where additional practices may be required for protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources and for controlling erosion.