

ITEM: 19

SUBJECT: Waste Discharge Requirements General Order for Discharges Related to Timberland Management Activities for Non-Federal and Federal Lands

BOARD ACTION: *Consideration of Adoption of Order*

BACKGROUND: Timber harvesting activities on non-federal and U.S. Forest Service lands in the Central Valley Region have been covered under a conditional Waiver of Waste Discharge Requirements (Timber Waiver) since 2003. The current Timber Waiver is set to expire March 2018. Staff is proposing to replace the Timber Waiver with a General Order of Waste Discharge Requirements for Discharges Related to Timberland Management Activities for Non-Federal and Federal Lands (General Order). The proposed General Order allows enrollment of a wide variety of timber harvesting projects processed through the state's CAL FIRE-led CEQA-equivalent process or through the U.S. Forest Service NEPA process.

The proposed General Order expands on the Waiver in part, by including additional categories of coverage applicable to post-fire salvage activities and watercourse crossing work conducted outside the harvest plan area. The proposed General Order ensures compliance with Basin Plan requirements through the application of specific criteria and conditions in addition to those provided by the state's Forest Practice Rules and U.S. Forest Service best management practices (BMPs).

The proposed General Order requires permittees submit pesticide application notifications and stream crossing inventories not previously required by the Waiver. It also includes a comprehensive Monitoring and Reporting Program.

In order to qualify for enrollment under the General Order, the project applicant must agree to meet all criteria and conditions as well as to conduct and report on the required monitoring. If not, the proposed activity is to be regulated by individual WDRs.

There are 5 conditional categories in the General Order;

- Category 1- low threat Exemption and Emergency (as defined by the Board of Forestry's Forest Practice Rules) activities where the risk of discharge to surface water is minimal.
- Category 2A - Post-Fire Salvage Emergency activities conducted on industrial timberlands or non-industrial timberlands where no residence is within the project area.

- Category 2B - Post-Fire Salvage Emergency activities conducted on non-industrial timberlands where an owner's residence is within the project area.
- Category 3A - timber harvest plans that represent a risk of discharge to surface water.
- Category 3B - timber harvest plans that represent a reduced risk of discharge to surface water.
- Category 4 - watercourse crossing work conducted under a California Department of Fish and Game Master Agreement for Timber Operations or Lake and Streambed Alteration Agreement (outside of a plan area).
- Category 5A - U.S. Forest Service post-fire salvage and hazard tree removal projects.
- Category 5B - U.S. Forest Service timber harvest, vegetation management, fuels reduction, forest stand improvement, hazard tree removal, and associated pesticide applications.

Assembly Bill 1492 (2012) section 4629.6 (c) states that “no currently authorized or required fees shall be charged by agencies listed in this subdivision for activities or costs associated with the review of a project, inspection and oversight of projects, and permits necessary to conducted timber operations of those departments and boards”. Therefore, permittees applying for coverage under the General Order are not subject to permit fees.

ISSUES:

The timber industry has concerns regarding duplicative regulatory processes, delays in harvesting of dead and dying trees post-fire, and cost related to compliance.

Conservation groups have concerns that timber harvest activities negatively impact the waters of the state and thus request that the Central Valley Water Board require more specific preventative actions on the part of landowners.

RECOMMENDATION: Adopt the proposed waste discharge requirements

Mgmt. Review AW

Legal Review _____

8/9 June 2017

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