

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

**ADDENDUM TO THE NEGATIVE DECLARATION FOR THE  
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS  
FOR DISCHARGES ASSOCIATED WITH TIMBER HARVESTING  
ACTIVITIES**

**PREPARED IN SUPPORT OF A GENERAL ORDER OF WASTE  
DISCHARGE REQUIREMENTS  
FOR TIMBERLAND MANAGEMENT ACTIVITIES FOR NON-FEDERAL  
AND FEDERAL LANDS**

**JANUARY 2017**

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## I. INTRODUCTION

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) adopted the first Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvesting Activities (Order R5-2014-0144) in 2003 (Timber Waiver). A Negative Declaration was prepared in 2003 along with the initial adoption of the Timber Waiver.

This Addendum was prepared in connection with the Board's consideration of a proposed General Order of Waste Discharge Requirements (WDR) (hereinafter Project or General Order) that will replace the current version of the Timber Waiver for timberland management activities subject to either the California Environmental Protection Act (CEQA)- equivalent process led by CAL FIRE (non-federal lands) or the National Environmental Policy Act (NEPA) process led by the U.S. Forest Service (for National Forest System, i.e., federal lands). Both the original 2003 Waiver of WDR (which has been revised and adopted every 5 years since 2005 with the last adoption extending the Timber Waiver through March 2018) and the proposed Project provide regulatory coverage for a variety of timberland management activities across the region that vary both in spatial area and in lifespan (from as short as 120 days to those that do not expire).

This Addendum explains why differences between the Timber Waiver as evaluated in the 2003 Negative Declaration and the Project as currently proposed for Central Valley Water Board consideration do not require the preparation of a subsequent CEQA document.

## II. PROJECT BACKGROUND

The Project is a proposed General Order of Waste Discharge Requirements for Timberland Management Activities on Non-Federal and U.S. Forest Service-Managed National Forest System Lands across the Central Valley Region. According to the 2003 Negative Declaration, these activities include: 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<sup>1</sup>; site preparation that involves disturbance of soil or burning of vegetation following timberland management activities; but excluding preparatory treemarking, surveying or roadflagging.

Nonpoint source discharges across the nation are primarily addressed through the planning, design and implementation of best management practices (BMPs). Timberland management activities on non-federal lands in California are subject to the Forest Practice Act through the Forest Practice Rules (FPRs), a set of prescriptive BMPs intended to ensure a sustainable forest product industry while protecting natural resources. These BMPs have been subject to numerous effectiveness evaluation protocols since promulgation in the 1970's. The results of these evaluations have occasioned some improvements to the FPRs since that time.

Federal timberland management activities on National Forest System lands managed by the U.S. Forest Service are subject to the National Environmental Policy Act (NEPA), and potential impacts are also managed via BMPs. These federal BMPs, detailed in the National Core Best

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<sup>1</sup> The term pesticide means any substance intended to control, destroy, repel or attract a pest and includes herbicides, rodenticides, insecticides and fungicides.

Management Practices of the U.S. Forest Service, have also been subject to improvements over recent decades and have been revised and applied nationally in the past two years.

BMP effectiveness evaluations on both federal and non-federal timberland projects have also resulted in an increased understanding of the region's forestlands. The Central Valley Regional Water Board's staffing for the Forest Activities Program was augmented as a result of the 2012 passage of AB 1492 and has led to increased staff presence in the field. This increased field presence has aided the Central Valley Water Board's understanding and focused its concerns regarding water quality impacts from timberland management operations.

### **III. REASONS FOR ADDENDUM TO THE NEGATIVE DECLARATION**

California Code of Regulations, title 14, section 15164, authorizes a public agency to prepare an addendum to a previously certified CEQA document if minor technical changes or additions are necessary but are not significant enough to warrant a "subsequent EIR" or "subsequent Negative Declaration" as specified in section 15162. As explained herein, staff has gained information from its experience regulating timber management activities since the 2003 Negative Declaration was prepared, and the Project reflects certain changes to the Central Valley Water Board's Forest Activities Program and to the physical environment that have occurred since then. Although these changes do not alter the Central Valley Water Board's ultimate conclusion that the Project will not lead to significant environmental impacts, staff prepared this Addendum to provide updated information on the contours and environmental impacts of the Project.

California Water Code sections 13260 and following require that any activity with the potential to discharge wastes to waters of the state be subject to waste discharge requirements or a waiver of waste discharge requirements. Further, the State Water Board's *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Implementation and Enforcement Policy), adopted in 2004, requires that all nonpoint source discharges be regulated via WDRs, a Waiver of WDR, or a Basin Plan prohibition. Timberland management activities are considered nonpoint source discharges and as such must be regulated through WDRs, a Waiver of WDRs or a Basin Plan prohibition. Staff proposes that the Central Valley Water Board adopt a General Order imposing WDRs on discharges related to specified timberland management activities.

Staff experience over the past 14 years of implementing the Timber Waiver on non-federal and U.S. Forest Service-managed lands has narrowed staff's focus to areas of timberland management requiring additional measures to ensure Basin Plan compliance and protection of beneficial uses of waters of the state. This experience has prompted a proposed General Order that, compared to previous iterations of the Timber Waiver, includes more specific conditions, criteria and monitoring for post-fire salvage logging operations, as well as a new category for a CDFW-executed Master Agreement for Timber Operations (MATO) or Lake and Streambed Alteration Agreement (LSAA) on non-federal lands. Table 1 outlines the differences between the types of timber harvesting projects covered under the current Timber Waiver vs the proposed General Order.

NEGATIVE DECLARATION ADDENDUM  
GENERAL ORDER FOR  
TIMBERLAND MANAGEMENT ACTIVITIES

Table 1. Categories of coverage – current Timber Waiver vs Proposed General Order

<b>Timber Waiver (Current)</b>	<b>General Order (Proposed)</b>
<b>Category and associated project type</b>	<b>Category and associated project type</b>
<b>NON-FEDERAL</b>	
<b>1</b> – EM / EX Notices and low threat THPs	<b>1</b> – EM and EX Notices and conversions
<b>2</b> - Fire salvage EM Notices and conversions	<b>2A</b> – Fire salvage EM (No residence)
	<b>2B</b> – Fire salvage (Non-industrial and Residence) and EM/EX Notices that don't qualify for Cat. 1
<b>3</b> – Plans where Water Board staff participated in Review Team Process (PHI)	<b>3A</b> – Higher Threat to WQ Plans
<b>4</b> – Plans where Water Board staff did not fully participate in Review Team Process (no PHI)	<b>3B</b> – Modified THPs and Lower Threat to WQ Plans
(no equivalent category)	<b>4</b> – MATO / LSAA crossing work outside a Plan
<b>FEDERAL</b>	
<b>5</b> – All timberland management activities	<b>5A</b> – Post-fire activities
	<b>5B</b> – Timberland management activities

With changing climate conditions the increased frequency, spatial extent and intensity of wildfire has become a challenge for California forests and forestland managers. Central Valley Water Board staff has been increasingly involved in the assessment of post-fire impacts and the review and oversight of post-fire salvage harvesting activities. These developments have resulted in staff's determination that the CAL FIRE exemption process and operational provisions promulgated in California's Forest Practice Rules (FPRs) are not sufficient to protect water quality in all instances. While BMPs in the FPRs have been evaluated numerous times since inception in the 1970's, to date, the effectiveness of those BMPs and operational provisions in the post-fire salvage harvesting environment has not been evaluated. Over recent decades, many post-fire studies have been conducted across the nation providing guidance on

measures that are likely to be protective of water quality. The proposed General Order captures some of these protective measures and requires their implementation under Categories 2a (Post-Fire Salvage – on non-federal lands with no residence), and 5a (Post-Fire Salvage on USFS managed lands) including:

1. Both of the following:
  - a. Standardized riparian buffers for pesticide applications, and
  - b. Establishment of 50% effective ground cover<sup>2</sup> prior to broadcast or aerial pesticide applications; OR,
2. The preparation of a Post-Fire Management Plan addressing alternatives to 1.a.and b. and including monitoring and reporting.

A new category of covered activities has also been proposed for a California Department of Fish and Wildlife (CDFW)-executed Master Agreement for Timber Operations (MATO) or a Lake and Streambed Alteration Agreement (LSAA) on non-federal lands (Category 4). Although the Central Valley Water Board's water quality concerns for these activities are similar to those for other timber management activities, previous iterations of the Central Valley Water Board's Timber Waiver did not provide any permit coverage for them, leaving the landowner potentially out of compliance with the Porter-Cologne Act and 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). Providing permit coverage for these activities under the General Order will give Central Valley Water Board staff the opportunity to provide input on watercourse crossing installations that occur outside of the CAL FIRE review process but still occur on timber production-zoned lands in the Central Valley Region. The provisions proposed in the General Order for this category include:

1. Coverage for replacement/reconstruction of existing watercourse crossings
2. CDFW notification, sub-notification or NOI incorporates all water quality protective measures identified by Central Valley Water Board staff during project review
3. Requires 30 day notification in advance of replacement/reconstruction activities
4. Notification of any anticipated CDFW site visits
5. Monitoring and reporting
6. Termination notification submittal

Finally, the Central Valley Region has experienced an exponential growth in cannabis cultivation since the 2003 Negative Declaration was adopted. These cultivation activities can contribute to erosion and sediment delivery to surface waters in watersheds where timberland management activities occur. In October of 2015, the Central Valley Water Board adopted Order No. R5-2015-0113 (Cannabis Order), a General Order of WDR to regulate discharges related to cannabis cultivation where such cultivation has the potential to impact water quality. The Cannabis Order prohibits discharges of waste from cultivation activities and requires implementation of BMPs similar to that of the Forest Practice Rules. Any cultivation activities

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<sup>2</sup> Effective ground cover is defined as any combination of slash (lopped and in close contact with the ground), mulch (large wood chips, wood shreds, wood strand blends, straw, bark, surface rock fragments larger than ¼ inch), plants, and plant litter. Large wood chips are a minimum of 2 inches in length and at least four (4) times longer than they are wide.

conducted outside of the Cannabis Order would either be addressed under individual permits or be subject to Central Valley Water Board enforcement authority. The Central Valley Water Board therefore concludes that the combination of the Cannabis Order, the proposed General Order with its additional protection measures, and appropriate use of the Board's enforcement authority will reduce sediment discharges to a less-than-significant level and ensure water quality protection.

#### **IV. CEQA ENVIRONMENTAL REVIEW REQUIREMENTS**

When a lead agency already has an EIR or Negative Declaration, the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) does not require the preparation of a subsequent document to address changes to the project or its circumstances unless:

- (a) substantial changes are proposed in the project which will require major revisions of the EIR or negative declaration;
- (b) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR or negative declaration;
- or
- (c) new information, which was not known and could not have been known at the time the EIR was certified as complete or the negative declaration was adopted, becomes available. (Cal. Code Regs. tit. 14, § 15162.)

New information in the form of a better understanding of the region's timber lands, along with the amount of time that has passed since the 2003 Negative Declaration, has prompted this addendum.

The differences between the physical conditions existing during evaluation of the original Waiver project in the 2003 Negative Declaration and the Project as proposed are relatively minor. The California Board of Forestry has approved several new exemption types, specifically for the harvest of trees that are dead or dying as a result of the recent drought. The State Legislature has also recently required the Board of Forestry to create a new Watershed Forest Management Plan permit option for ownerships of up to 15,000 acres that will not have an expiration date once approved through the interdisciplinary, interagency review process. However, neither of these harvest project types nor the BMPs that will be applied to them will differ substantially from the project types evaluated under the original Negative Declaration.

Although there are minor differences between the Timber Waiver as evaluated in the 2003 Negative Declaration and the Project as proposed, based on the conditions provided in California Code of Regulations, title 14, section 15162, these changes are not substantial enough to necessitate a subsequent Negative Declaration or EIR. Based on the facts described in this Addendum, none of the conditions triggering preparation of a subsequent Negative Declaration or EIR have occurred. Therefore, it is appropriate for the Board to prepare an addendum to the 2003 Negative Declaration because "only minor technical changes or additions are necessary..." and "none of the conditions ... calling for the preparation of a subsequent EIR or negative declaration have occurred." (Cal. Code Regs., tit. 14, § 15164.)

This Addendum evaluates potential impacts from the Project stemming from changes to the physical environment since adoption of the Negative Declaration and/or differences between the Timber Waiver and the General Order proposed for adoption. In accordance with the applicable

regulations, an addendum need not be circulated for public review, but can be included in or attached to the Negative Declaration or certified EIR. (Cal. Code Regs., tit. 14, § 15164(c).)

## **V. POTENTIAL IMPACTS FROM THE PROJECT**

In preparing this Addendum, the Board compared the details provided for the Timber Waiver in the 2003 Negative Declaration with the proposed General Order. The Board noted technical modifications or changes between the 2003 Negative Declaration and the projects the proposed General Order would cover under Category 4.

### **EVALUATION OF ENVIRONMENTAL IMPACTS FOR INCLUSION OF MATO/LSAA (PROPOSED CATEGORY 4):**

#### Aesthetics

*Finding: No Impact.*

Watercourse crossing reconstruction and replacement activities on timber production zoned lands will primarily be conducted in areas with limited public access and will disturb very small areas at any one time.

#### Agriculture Resources

*Finding: No Impact.*

Watercourse crossing replacement/reconstruction activities conducted under a MATO or LSAA will only occur at locations that have obtained all applicable land use entitlements. This Project will not alter the need to comply with land use requirements.

#### Air Quality

*Finding: Less-than-significant Impact.*

Watercourse crossing replacement/reconstruction conducted under a MATO or LSAA may generate limited dust emissions as the result of heavy equipment use. However, given the limited occurrence and spatial extent any emissions are likely to dissipate before reaching objectionable levels. No other air pollutant discharges are anticipated.

#### Biological Resources

*Finding: Less-than-significant Impact.*

Watercourse crossing replacement/reconstruction activities conducted under a MATO or LSAA are subject to rigorous environmental and biological impact evaluations and protection measures by California Department of Fish and Wildlife's established processes used in planning and permitting such activities.

#### Cultural Resources

*Finding: No Impact.*

This project will not alter the need to comply with CEQA or any other State or federal laws that requires the analysis, disclosure, or mitigation of potential impacts to cultural resources to less-than-significant levels.

#### Geology and Soils

*Finding: Less-than-significant Impact.*

Heavy equipment activities conducted at watercourse crossing sites could cause soil erosion, bank erosion or direct discharge of sediment if appropriate prevention or mitigation measures



are not implemented. Protection and/or mitigation measures are prescribed for watercourse crossing reconstruction/replacement activities through CDFW's MATO/LSAA application and approval process. Category 4 criteria and conditions will require any additional management measures necessary for assuring water quality protection be included in the project documents and implemented on-site.

#### Hazards and Hazardous Materials

*Finding: No Impact.*

The activities authorized under the proposed General Order do not involve the discharge or depositing of hazardous materials.

#### Hydrology and Water Quality

*Finding: Less-than-significant Impact.*

Uncontrolled or inadequately mitigated watercourse crossing reconstruction/replacement activities could alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which could result in erosion or siltation on- or off-site, flooding on- or off-site, provide additional sources of polluted runoff, or otherwise affect water quality. Prevention and/or mitigation measures are prescribed as part of CDFW's MATO/LSAA application and approval process. This Project will provide protection of water quality through the additional assessment of potential impacts by Central Valley Water Board staff.

#### Land Use Planning

*Finding: No Impact.*

Watercourse crossing replacement/reconstruction activities will occur in timber production zoned areas in which applicable land use entitlements have already been obtained. Implementation of this project will not result in conflict with any applicable land use plan, policy or regulation, habitat conservation plan or natural community plan. The Project will not result in the division of an established community.

#### Mineral Resources

*Finding: No Impact.*

This project will not affect mineral resources.

#### Noise

*Finding: Less-than-significant Impact.*

Heavy equipment operations could result in a substantial temporary increase in ambient noise levels above existing pre-operation levels, especially in remote forested areas. Noise will be evaluated and regulated via the CDFW's MATO/LSAA application and review process.

#### Population and Housing

*Finding: No Impact.*

This project will have no impacts on population or housing. Watercourse crossing reconstruction/replacement activities affected by the adoption of the General Order would not directly or indirectly induce population growth, or displace any existing housing or job supply.

#### Public Services

*Finding: No Impact.*

This Project will have no impacts on public services. The reconstruction/replacement of watercourse crossings on forest roads will neither increase the number of structures, require additional public services, nor require new governmental facilities.

#### Recreation

*Finding: No Impact.*

This Project will have no impacts on recreation. Reconstruction/replacement of watercourse crossings will not include recreational facilities and will not increase the use of any recreational facility.

#### Transportation and Traffic

*Finding: Less-than-significant Impact.*

Reconstruction/replacement of watercourse crossings may result in changes in traffic patterns and volumes on associated forest roads. The adoption of the proposed General Order will not alter the need to comply with CDFW's MATO/LSAA review and approval process nor any other state, federal or local requirements due to changes in transportation/traffic.

#### Utilities and Service Systems

*Finding: No Impact.*

Watercourse crossing reconstruction/replacement activities will not adversely impact utilities or service systems. This Project will have no impact on utilities or service systems.

#### Findings

*Finding: Less than significant Impact.*

This Project involves the inclusion of watercourse crossing replacement/reconstruction activities on timber production zoned lands covered by a CDFW-executed MATO/LSAA. The Central Valley Water Board may require additional water quality protective measures where necessary to ensure compliance with the Basin Plan and the conditions and criteria contained in the proposed General Order. Therefore, watercourse crossing replacement/reconstruction activities authorized by the proposed General Order would have a less-than-significant impact on the environment.

The Central Valley Water Board further finds (1) that the environmental impacts from timber harvest activities conducted in compliance with the categories contained in the proposed General Order do not differ materially from the impacts analyzed in the 2003 Negative Declaration, and (2) that such activities will not adversely affect the quality or beneficial uses of the waters of the State.

In addition to the environmental protection afforded by the adoption of the General Order, the Central Valley Water Board will also continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes.

## **VI. CUMULATIVE IMPACT ANALYSIS**

Under CEQA, a cumulative impact may result when two or more individual effects, when considered together, are considerable or would compound or increase other environmental impacts. (Cal. Code Regs., tit. 14, § 15355.) The proposed General Order, like the preceding iterations of the Timber Waiver, would be a single discretionary approval that would provide the basis for Board authorization of all future covered timber management activities. Therefore, the

2003 Negative Declaration and this Addendum by their nature evaluate the collective or cumulative impacts of the multiple timber management projects that would rely on the proposed General Order for Board authorization.

The most relevant change in the physical environment since the 2003 Negative Declaration was prepared is that certain regions within the Central Valley have seen an influx of cannabis cultivation. The landscaping and pesticide use associated with these cultivation activities tends to generate environmental impacts that are similar in nature (if not degree) to those that timberland management activities tend to generate. Moreover, many of these cannabis cultivation activities take place in the same watersheds where timber management activities are occurring. If left unregulated, it is probable that the cumulative effects of timber management and cannabis cultivation within the Central Valley Region would generate environmental impacts that, cumulatively, would rise to a significant level.

However, on 2 October 2015, the Central Valley Water Board adopted Order No. R5-2015-0113, a Waste Discharge Requirements General Order for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities (Cannabis Order). The Cannabis Order requires the use of effective best management practices and other measures to minimize the water quality impacts of the cannabis cultivation activities that it covers. Based on a thorough review of both the Cannabis Order and the proposed Timber General Order, the respective administrative records for those general orders, and the Central Valley Water Board's experience regulating both cannabis cultivation and timber management activities, the Board has determined that the cumulative environmental impacts of activities covered by the Timber General Order and the Cannabis Order will remain at a less than significant level so long as both orders remain in effect.

## **VII. CONCLUSION**

Based on the information summarized in this Addendum, none of the circumstances set forth in Public Resources Code section 21166 or California Code of Regulations, title 14, section 15162 (a) that would require the preparation of a subsequent Negative Declaration or EIR are present for this Project. Specifically, technical review of the Project finds that (i) no substantial changes are proposed that will require major revisions in the previous CEQA analysis due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken that will require major revisions to the previous CEQA analysis due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the CEQA analyses were adopted, that shows new significant effects, substantially more severe significant effects, or additional feasible mitigation measures. Therefore, the Central Valley Water Board finds that this Addendum is appropriate to address the additional information now available regarding the Project.

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