

INITIAL STUDY

1. **Project Title:** Adoption of Categorical Waivers Related to Timber Harvest Activities in the Central Valley Region
2. **Lead agency name and address:**
California Regional Water Quality Control Board, Central Valley Region
3443 Routier Road, Suite A, Sacramento, CA 95827-3098
3. **Contact person and phone number:** Jim Pedri
(530) 224-4845
4. **Project location:** All or parts of Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tehama, Tulare, Tuolumne, and Yuba counties.
5. **Project sponsor's name and address:**
California Regional Water Quality Control Board, Central Valley Region
3443 Routier Road, Suite A, Sacramento, CA 95827-3098
6. **General plan designation:** _____ n/a _____ 7. **Zoning:** _____ n/a _____
8. **Description of project:**

The Central Valley Regional Water Quality Control Board (Regional Water Board) is responsible for regulating waste discharges from timber harvest activities and herbicide applications that could affect the quality and beneficial uses of waters in the Central Valley Region. The Regional Water Board annually receives hundreds of proposals to harvest timber.

For all discharges of waste that could affect the quality of the waters of the State, other than into a community sewer system, the Regional Water Board may prescribe waste discharge requirements pursuant to the California Water Code (CWC) and may waive waste discharge requirements for a specific type of discharge if it is not against the public interest pursuant to CWC Section 13269.

The Regional Water Board, in accordance with CWC Section 13269, waived waste discharge requirements for certain types of timber harvest activities in 1988 as set forth in Regional Water Board Resolution No. 6-88-18. However, recent amendments to CWC Section 13269 provide that these waivers shall expire effective January 1, 2003, and that new waivers of waste discharge requirements for specific types of discharges must be renewed at minimum every five years.

This project involves the adoption and implementation of a Resolution waiving waste discharge requirements for specified discharges associated with timber harvest activities within the Central Valley Region. Any such waiver must be conditional and may be terminated at any time by the Regional Water Board. The Regional Water Board proposes to make a determination that timber harvest activities and herbicide applications conducted in compliance with the five categories of waivers described in the Resolution will not adversely affect the quality of or the beneficial uses of waters of the State, and will not be against the public interest pursuant to CWC Section 13269.

The project authorizes specified discharges associated with timber harvest activities and herbicide applications to proceed in compliance with the CWC. The proposed Resolution would apply to timberlands throughout the Central Valley Region, including both nonfederal lands (i.e., lands owned and managed by private landowners, local governments, public utility districts, etc.) and federal lands managed by the U.S. Forest Service.

“Timber Harvest Activities” means all activities on timberland relating to timber harvesting, including the cutting or removal or both of timber and other solid wood forest products, including Christmas trees, from timberlands for commercial or other purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for the falling of trees, fire hazard abatement, site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory treemarking, surveying or roadflagging. “Commercial purposes” includes the cutting or removal of trees which are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber, including but not limited to residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.

Timber Harvest Planning Process for Nonfederal Lands

Under state law, lands zoned for timberland production are restricted to growing and harvesting timber and to compatible uses (Government Code Section 5110 et seq.). In enacting the Forest Practice Act (Public Resources Code (PRC) Sections 4511 et seq.), the California Legislature declared its intent to ensure that, where feasible, the productivity of timberlands is restored, enhanced, and maintained. Furthermore, the goal of maximum sustained production of high-quality timber products is to be achieved while considering values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment (PRC Section 4513).

The process of regulating timber harvesting on nonfederal lands in California occurs primarily under the Forest Practice Act of 1973 (FPA) and the California Environmental Quality Act of 1970 (CEQA). The nine-member Board of Forestry (BOF) adopts regulations under authority of the FPA, and those rules, called the California Forest Practice Rules (FPRs), are administered by the California Department of Forestry and Fire Protection (CDF). In 1975, the courts and the Attorney General found that CDF’s approval of timber harvest plans (THPs) are subject to the requirements of CEQA, thus requiring analysis of environmental impacts of proposed timber harvest activities in an environmental document (typically, in environmental impact reports, or EIRs). These events caused California’s Resources Agency to issue emergency regulations which established the current interagency review team process (14 CCR 1037.5) and certified that process as functionally equivalent to the EIR process (14 CCR 15251(a)).

The timber harvest review team membership is composed of representatives of CDF, the California Department of Fish and Game (DFG), California Geological Survey (CGS) and the Regional Water Board. Other agencies may participate in the review team, including the California Department of Parks and Recreation, Tahoe Regional Planning Agency, USDI National Park Service, and county planning departments. CDF chairs the review team and makes the final decisions on the logging procedures included in the THPs. The other agencies are limited strictly to advisory roles. As set forth in the FPRs (14 CCR 1037.5), the function of the

review team is “to assist the [CDF] Director in determining if plans [THPs] are in conformance with [BOF] rules and to evaluate the potential environmental impacts of timber operations.”

The FPA emphasizes decision-making by CDF based on special rules as contained in the FPRs. Due to the variety of individual circumstances of timber harvesting in California, the FPRs are not strictly prescriptive. Broad flexibility is allowed to cover a wide variety of site-specific circumstances. CEQA, in contrast, emphasizes case-by-case, open-ended analysis of proposed projects based on potential environmental impacts as offset or lessened by project alternatives and mitigation measures. The review of THPs is a melding of the two processes and has been certified as a functional equivalent for complying with CEQA (PRC Section 21080.5; 14 CCR 15251[a]).

Taken together, CEQA and the FPRs require that CDF not approve a project as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project. The applicant must disclose and identify the significant effects of a project for state agency and public review.

In reviewing individual THPs, CDF seeks to comply with the FPA, the FPRs, and CEQA through its certified functional equivalent program. Under the FPA, a THP must be prepared and signed by a Registered Professional Forester (RPF) and submitted to CDF for review and approval for each timber harvest. CDF foresters examine each THP and determine whether the plan may have a significant impact on the environment and whether it is in compliance with the FPA, CEQA, and other state and federal laws.

A THP must include a description of the site to be harvested, the types of timber operations to be conducted, and the mitigation measures to be used consistent with the FPRs and other applicable laws. Information concerning silvicultural systems, yarding methods, reforestation methods, erosion control methods, stream protection, cultural and historical resources, road building, and erosion hazard potential and erosion control measures must be included in the THP. The RPF must conduct a field investigation to apply the FPRs with respect to watercourse classification and protection measures, location of sensitive terrain, and development of appropriate mitigation measures or alternatives. CDF foresters consider the project design and mitigation measures proposed by the RPF, together with comments received from review team agencies and the public, and incorporate the mitigation measures deemed most appropriate prior to THP approval by the Director of CDF.

Pursuant to the federal Clean Water Act (Section 208), the State Water Resources Control Board (State Water Board) has adopted a “management agency approach” for controlling discharges from timber harvest activities to waters of the State. The management agency approach has several benefits, including:

- Streamlining the regulatory process by avoiding duplicative regulatory requirements;
- Providing formal recognition to the programs of CDF and BOF as being part of the State’s nonpoint source program for controlling pollution and protecting the quality and beneficial uses of the State’s waters; and
- Reducing the level of resources needed by the State and Regional Water Boards in controlling discharges from timber operations.

On January 21, 1988, the State Water Board approved a Management Agency Agreement

(MAA) that designates the BOF and CDF as joint management agencies for timber operations on nonfederal lands within the State. That MAA implements the management agency approach for regulation of timber harvest activities on nonfederal lands in California. Also in January of 1988, the Regional Water Board waived issuance of waste discharge requirements for timber harvest projects operating under a CDF-approved THP.

The Regional Water Board acknowledges two potential shortcomings in the current review team process for approval of timber harvest activities on nonfederal lands. First, Regional Water Board staff participates in the review team process as time and resources allow, but due to budget constraints, the majority of THPs in the Central Valley Region are approved by CDF with little or no review or participation by the Regional Water Board. Second, experience gained by Regional Water Board staff since 1988 indicates that amendments are needed to the FPRs to provide better protection for water quality. Given these shortcomings, the proposed Waiver policy requires that proponents of projects that will be eligible for waivers must meet eligibility requirements and must satisfy conditions in addition to requirements of the FPRs.

Timber Harvest Planning Process for Federal Lands

In 1981, 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 US Forest Service; (b) designated the US Forest Service as the Water Quality Management Agency (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 an MAA with the US Forest Service for the purpose of implementing the certified plan and WQMA designation.

The MAA between the State Water Board and the US Forest Service contemplates that the Regional Water Boards will waive issuance of waste discharge requirements for US Forest Service timber harvest projects that may result in nonpoint source discharges, provided that the US Forest Service designs and implements its projects to fully comply with State water quality standards.

Pursuant to the federal Clean Water Act (Section 208), the United States Environmental Protection Agency (USEPA) approved the State Water Board’s certification of the US Forest Service’s water quality management plan, and the State Water Board’s certification of the practices therein as “best management practices.” The Regional Water Board has since relied on the expertise of the US Forest Service to design and implement timber harvest activities on National Forest System lands in order to comply with State water quality standards.

State and Regional Water Boards’ Three-Tiered Nonpoint Source Control Process

The State Water Board has formally adopted a three-tiered approach for controlling nonpoint source pollution in California, as contained in the *Plan for California’s Nonpoint Source Pollution Control Program* (January 2000).

Tier 1 is “Self-Determined Implementation of Management Practices” (formerly termed “voluntary” compliance). In the first tier, the State and Regional Water Boards seek to provide educational, technical and financial assistance when requested, but the boards rely on landowners and project proponents to voluntarily control nonpoint sources of pollution without any regulatory action.

Tier 2 is “Regulatory-Based Encouragement of Management Practices.” In the second tier, the State and Regional Water Boards encourage control of nonpoint source pollution by: (1) waiving adoption of waste discharge requirements subject to eligibility requirements and/or conditions that promote implementation of approved management practices, and/or (2) executing formal agreements with other entities that possess land management or regulatory authority to assist the State and Regional Water Boards in fostering implementation of management practices that will gain compliance with water quality standards. In regards to timber harvest activities, the State Water Board has implemented Tier 2 by executing formal agreements (e.g., MAAs) with CDF, BOF, and the US Forest Service to foster implementation of management practices for the protection of water quality, and the Regional Water Board has implemented Tier 2 by waiving issuance of waste discharge requirements subject to eligibility criteria and entering into Memoranda of Understanding (MOUs) with various units of the US Forest Service. The formalized cooperation with other entities and waiver of waste discharge requirements is in lieu of the Regional Water Board taking regulatory action under its own authority as contained in the California Water Code (CWC).

Tier 3 is “Effluent Limitations and Enforcement.” In the third tier, the Regional Water Board uses its own regulatory authority to directly regulate nonpoint source discharges. This can include requiring project proponents to submit formal applications and filing fees, and to obtain waste discharge requirements.

The Regional Water Board seeks to utilize the opportunities available through Tier 2 to control and eliminate water quality problems associated with most timber harvest activities before taking regulatory action under the authority of the CWC. For example, in the second tier, where management practices prescribed under the review team process may not be sufficiently protective of water quality, Regional Water Board staff, pursuant to proposed waiver conditions, can require the discharger to undertake and submit technical and/or monitoring reports which the discharger can then use to better design and implement management practices for the control of nonpoint source pollution. Where implementation of the second tier approach may not or does not achieve compliance with State water quality standards, the third tier may be implemented, as described above.

Specifics of the Proposed Project

The proposed “Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities” (Waiver) and the proposed Resolution adopting said Waiver are attached to this Initial Study.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The Waiver would govern waste discharges resulting from timber harvest activities and herbicide applications throughout the Central Valley Region that meet certain eligibility criteria, with the exception of those activities covered by specific waste discharge requirements. The Central Valley Region of California is comprised of about 59,500 square miles of land, a significant portion of which is forestland. Surrounding land uses include rangeland grazing, recreation, mining, irrigated agriculture, and urban uses.

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**

Timber harvest projects must often obtain permits from local, state, and/or federal permitting agencies prior to receiving the waiver of waste discharge requirements covered under this proposed Resolution. On nonfederal timberlands, CDF is the lead agency for issuing permits to timberland owners and operators harvesting timber within the Region. On lands managed by the US Forest Service, approval to conduct timber harvest activities is only granted by the US Forest Service after preparing environmental documents to comply with the National Environmental Policy Act (NEPA).

The California Endangered Species Act also requires measures to minimize and fully mitigate the impacts on endangered species, as do other requirements of the California Department of Fish and Game (CDFG). For example, Fish and Game Code Section 1603 generally prohibits persons from substantially diverting or obstructing the natural flow or substantially changing the bed, channel, or bank of any river, stream, or lake designated by CDFG, or from using any material from the streambeds, unless they have first notified CDFG of the activity. All rivers, streams, and lakes in California have been designated by CDFG, pursuant to California Code of Regulations, Title 14, Section 720. In addition, Section 1603 generally prohibits persons from commencing any activity affected by Section 1603 until CDFG has found that the activity will not substantially adversely affect an existing fish or wildlife resource, or until CDFG proposals, or the decisions of a panel of arbitrators assembled pursuant to procedures set forth in Section 1603, have been incorporated into the activity. CDFG enters into lake or streambed alteration agreements (“1603 Agreements”) with those persons who notify CDFG of their proposed activities pursuant to Section 1603 in cases where CDFG determines the activities may substantially adversely affect an existing fish or wildlife resource. A 1603 Agreement sets forth the proposals that CDFG and the notifying person agree will be incorporated into the proposed activities. Upon execution of a 1603 Agreement, the notifying person may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by CDFG or use any material from the streambeds, so long as the activities are conducted in accordance with the terms of the 1603 Agreement. Section 1603 authorizes CDFG to enter into 1603 Agreements for a term not to exceed five years for performance of the proposed activities. In accordance with Section 1603, a 1603 Agreement will renew automatically upon the expiration of its term, unless CDFG determines that there has been a substantial change in conditions.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

π Aesthetics	π Agriculture Resources	π Air Quality
π Biological Resources	π Cultural Resources	π Geology /Soils
π Hazards & Hazardous Materials	π Hydrology / Water Quality	π Land Use / Planning
π Mineral Resources	π Noise	π Population / Housing
π Public Services	π Recreation	π Transportation/Traffic
π Utilities / Service Systems	π Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- 4 I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- π I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- π I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- π I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- π I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's

environmental effects in whatever format is selected.

- 9) The explanation of each issue should identify:
- the significance criteria or threshold, if any, used to evaluate each question; and
 - the mitigation measure identified, if any, to reduce the impact to less than significant.

Issues:

AESTHETICS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?			3	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				4
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				4
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				4

Finding: Less than significant Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements related to water quality issues. Specific timber harvesting activities could have aesthetic impacts. For timber harvesting activities on private and State lands, any such impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (FPRs). For timber harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the federal timber sales review process in accordance with the National Environmental Policy Act (NEPA).

Subchapter 2, Article 1, Section 896 of the FPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter-Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered Professional Foresters (RPFs) in preparing Timber Harvesting Plans, and by the [CDF] Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board’s intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program

has been certified pursuant to PRC Section 21080.5. In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the [CDF] Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules.

“(b) The provisions of this subchapter shall be applied in all forest districts.”

In accordance with the above, and as a requisite for approval by CDF, each timber operation will incorporate mitigation measures to reduce any impact to a less than significant level.

The State Water Resources Control Board (State Water Board) has designated the United States Department of Agriculture, Forest Service (US Forest Service), as the Water Quality Management Agency for timber harvest activities on National Forest System lands effective May 26, 1981. For the protection of water quality, the US Forest Service implements certified “best management practices” and procedures for protection of water quality as identified in the document entitled “Water Quality Management for National Forest System Lands in California” and the Management Agency Agreement (MAA) between the State Water Board and the US Forest Service.

The adoption of the proposed Waiver by the Regional Water Board and the subsequent issuance of waivers for specified timber harvest activities will further mitigate any impacts by requiring compliance with all applicable requirements of water quality control plans adopted by the Regional Water Board and approved by the State Water Board, and water quality control plans and policies adopted by the State Water Board, and by prohibiting the creation of any pollution, contamination or nuisance conditions as defined by the California Water Code Section 13050.

AGRICULTURE RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				4

Finding: No Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements related to water quality issues. Timber harvesting activities 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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			4	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			4	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			4	
d) Expose sensitive receptors to substantial pollutant concentrations?			4	
e) Create objectionable odors affecting a substantial number of people?			4	

Finding: Less-than-significant Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements related to water quality issues. Specific timber harvesting activities may generate dust emissions as the result of road and trail construction and use, and the construction of landings and pads. Nitrogen oxides (NO_x) and sulfur oxides (SO_x) will be emitted during timber harvesting activities, including from use of heavy equipment engines. Smoke may be emitted during prescribed burning of logging slash. In general, timber harvesting activities are conducted at locations removed from populated areas, in areas dispersed across the landscape. The environmental reviews conducted by CDF for nonfederal lands and the US Forest Service for federal lands address emissions from timber harvesting activities. Any emissions are likely to dissipate before reaching objectionable levels. No other air pollutant discharges are anticipated. For timber harvesting activities on nonfederal lands, any such impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the FPRs. For timber harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the federal timber sales review process in accordance with NEPA.

Subchapter 2, Article 1, Section 896 of the FPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter-Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered Professional Foresters (RPFs) in preparing Timber Harvesting Plans, and by the [CDF] Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board’s intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5 In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the [CDF] Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules.

“(b) The provisions of this subchapter shall be applied in all forest districts.”

In accordance with the above, and as a requisite for approval by CDF, each timber operation will incorporate mitigation measures to reduce any impact to a less than significant level.

The State Water Board has designated the US Forest Service as the Water Quality Management Agency for timber harvest activities on National Forest System lands effective May 26, 1981. For the protection of water quality, the US Forest Service implements certified “best management practices” and procedures for protection of water quality as identified in the document entitled “Water Quality Management for National Forest System Lands in California” and the Management Agency Agreement (MAA) between the State Water Board and the US Forest Service.

The proposed Waiver by the Regional Water Board includes conditions that will require compliance with all applicable requirements of water quality control plans adopted by the Regional Water Board and approved by the State Water Board, and water quality control plans and policies adopted by the State Water Board, and by prohibiting the creation of any pollution, contamination or nuisance conditions as defined by the California Water Code Section 13050.

BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			4	
b) Have a substantial adverse effect on any				

riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			4	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			4	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			4	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			4	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			4	

Finding: Less-than-significant Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements related to water quality issues. This project will prohibit adverse impacts of waste discharges on aquatic biological resources. Timber harvest activities are subject to rigorous environmental impact evaluation and mitigation by the established processes used in planning those activities by CDF and the US Forest Service.

The proposed Waiver divides timber harvest activities eligible for waiver into five categories. General conditions applicable to all categories of waivers require that the activities adhere to environmental documents prepared for them pursuant to the National Environmental Policy Act or the California Environmental Quality Act. These conditions also prevent timber harvest activities from causing an unreasonable interference with beneficial uses amounting to a pollution or nuisance as defined by California Water Code Section 13050. Beneficial uses of waterbodies in the Central Valley Region cover a broad scope, including 8 separate designations for biological resources (Warm Freshwater Habitat; Cold Freshwater Habitat; Inland Saline Water Habitat; Wildlife Habitat; Preservation of Areas of Special Biological Significance; Rare, Threatened, or Endangered Species; Migration of Aquatic Organisms; Spawning, Reproduction, and Development). Accordingly, the proposed Waiver ensures that all of these beneficial uses are protected from adverse impacts of timber harvest activities.

Additionally, the categorical treatment of timber harvest activities ensures that biological impacts will not result. The proposed waiver establishes 5 categories of timber harvest activities and specifies conditions that apply to all 5 categories and additional conditions that apply to each category. The proposed waiver also identifies conditions that establish eligibility criteria for each category. Category 1 provides that timber harvest activities are eligible for coverage only if they will not: (1) occur within a watercourse or lake protection zone or equipment limitation zone; (2) disturb, threaten, or damage known or potential aquatic or wetland habitat for rare, threatened or endangered plants or animals; (3) occur within the buffer

zone of a sensitive species. Category 2 applies to activities on nonfederal lands that are exempted from discretionary review by CDF due to their limited scope and the proposed waiver includes conditions to address impacts on watercourses; aquatic or wetland habitat for rare, threatened or endangered species; highly erodible or unstable soils; or cumulative watershed effects. Category 3 applies to those timber harvest activities on nonfederal lands for which Regional Water Board staff has fully participated in CDF's review team process, including identification and incorporation of mitigation measures that will reduce potential effects to less-than-significant levels. Category 4 applies to activities on nonfederal lands for which Regional Water Board staff does not fully participate in CDF's review team process and for which a Registered Professional Forester identifies mitigation measures needed to reduce effects on biological resources to less-than-significant levels, and for which additional field review is conducted by a registered civil engineer or engineering geologist and recommendations developed by these specialists have been incorporated to address impacts from highly erodible soils, known landslides or unstable areas, or watercourse crossings requiring a large amount of fill material. Category 5 applies to timber harvest activities on federal lands that incorporate best management practices certified by the State Water Board, approved by the US Environmental Protection Agency, and developed by a multi-disciplinary review team, and which include all measures needed to reduce the potential for direct, indirect, and cumulative watershed effects to levels that ensure compliance with applicable water quality control plans.

The Resolution adopting the proposed Waiver also provides that timber harvest activities may be more appropriately regulated by another mechanism entirely to ensure that water quality is adequately protected.

In combination, the categorical waivers assure that impacts from timber harvest activities on biological resources, individually or cumulatively, will be less than significant.

CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				4
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				4
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				4
d) Disturb any human remains, including those interred outside of formal cemeteries?				4

Finding: No Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements related to water quality issues. This project will not alter the need to comply with CEQA, NEPA, and other State and federal laws that require analysis, disclosure, and mitigation of potential impacts to cultural resources to less-than-significant levels.

GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				4
ii) Strong seismic ground shaking?				4
iii) Seismic-related ground failure, including liquefaction?				4
iv) Landslides?				4
b) Result in substantial soil erosion or the loss of topsoil?			4	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			4	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				4
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				4

Finding: Less-than-significant Impact.

- b). Timber harvest activities could cause substantial soil erosion or the loss of topsoil if appropriate prevention or mitigation measures are not implemented. Prevention and/or mitigation measures are prescribed for specific timber harvest activities on nonfederal lands as part of the interagency review team process (described above), and on federal lands as part of the federal timber harvest planning process (also described above). For timber harvest activities on nonfederal lands, the eligibility criteria and conditions contained in the proposed Waiver will provide additional

assessment and prevention or reduction of potential impacts due to soil erosion. Any such impacts must also be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (FPRs). For timber harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the US Forest Service's timber harvest planning process and in accordance with NEPA and the Management Agency Agreement between the State Water Board and the US Forest Service. Conditions contained in the proposed Waiver further clarify that the US Forest Service's planning process must incorporate measures developed by watershed specialists, and mitigation and monitoring when predictive models used by the US Forest Service indicate any potential for cumulative watershed effects.

Subchapter 2, Article 1, Section 896 of the FPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter-Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered Professional Foresters (RPFs) in preparing Timber Harvesting Plans, and by the [CDF] Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1of the Government Code.

“It is the Board's intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5. In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the [CDF] Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules.

“(b) The provisions of this subchapter shall be applied in all forest districts.”

In accordance with the above, and as a requisite for approval by CDF, each timber operation must incorporate mitigation measures deemed necessary by CDF to reduce any impact from soil erosion to a less than significant level.

The State Water Board has designated the US Forest Service as the Water Quality Management Agency for all activities on National Forest System lands effective May 26, 1981. For the protection of water quality, the US Forest Service implements certified “best management practices” and procedures for protection of water quality as identified in the document entitled “Water Quality Management for National Forest System Lands in California” and as required by the Management Agency Agreement (MAA) between the State Water Board and the US Forest Service.

The proposed Waiver divides timber harvest activities into five categories. General conditions applicable to all categories of activities require that activities adhere to environmental documents prepared for them pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA). These conditions also prevent timber harvest activities from causing an unreasonable interference with beneficial uses amounting to a pollution or nuisance as defined by California Water Code section 13050. Soil erosion which reaches watercourses in

amounts that would violate any water quality standard or otherwise threaten beneficial uses of water would not be permitted under this Resolution and Waiver.

Additionally, the categorical treatment of timber harvest activities ensures that erosion will not result in discharges that affect water quality, and the needed practices would also keep hillslope soils in place. Category 1 provides that timber harvest activities are eligible for coverage only if they are minor on nonfederal lands, and will not: (1) occur on slopes greater than 60%, (2) have heavy equipment operation on slopes greater than 50%, (3) have new construction of tractor roads on slopes greater than 40%, (4) have tractor or other heavy equipment operations on known slides or unstable areas, (5) allow new road construction or reconstruction of logging roads, landings or watercourse crossings, (6) no timber harvest activities on soils with high or extreme erosion hazard rating, (7) no timber harvest operations that involve mechanical site preparation, and (8) no timber harvest activities that involve prescribed burning. Category 2 applies to activities on nonfederal lands that are exempted from discretionary review by CDF due to their limited scope and for which mitigation measures imposed on such activities by the Forest Practice Rules (FPRs) address operations on steep slopes, known slides and unstable areas, and other erosion prone areas, such as stream crossing areas. The proposed waiver includes additional conditions that are more restrictive than the FPRs that will further reduce the potential for adverse impacts due to soil erosion, including no winter operations, no stream crossings or other timber operations within stream zones, no operations on soils with high or extreme erosion hazard rating, no timber operations involving mechanical site preparation, and no heavy equipment operations in meadows or wet areas. Category 3 applies to those timber harvest activities on nonfederal lands for which Regional Water Board staff has fully participated in CDF’s review team process, including identification and incorporation of mitigation measures that will reduce potential effects from soil erosion to less-than-significant levels. Category 4 applies to activities for which Regional Water Board staff does not fully participate in CDF’s review team process and for which a Registered Professional Forester identifies mitigation measures needed to reduce effects from soil erosion to less-than-significant levels, and for which additional field review is conducted by a registered civil engineer or engineering geologist and recommendations developed by these specialists have been incorporated to address impacts from highly erodible soils, known landslides or unstable areas, or watercourse crossings requiring a large amount of fill material. Category 5 applies only to timber harvest activities on federal lands that incorporate best management practices certified by the State Water Board, approved by the US Environmental Protection Agency, and developed by a multi-disciplinary review team, and which include all measures needed to reduce the potential for direct, indirect, and cumulative watershed effects to levels that ensure compliance with applicable water quality control plans. Category 5 also requires the US Forest Service to submit a monitoring plan whenever its predictive models indicate any potential for cumulative watershed effects, in order to verify that the mitigation measures incorporated into the project have performed effectively.

In combination, the existing timber harvest plan approval processes along with the conditions contained in the proposed categorical waivers assure that impacts from timber harvest activities on excess erosion, individually or cumulatively, will be less than significant.

HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				4
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				4
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				4
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				4
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				4
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				4
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				4
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				4

Finding: No Impact. The review team process for nonfederal lands and the US Forest Service’s timber harvest review process prohibit the creation of hazards and the discharge of hazardous wastes for timber harvesting activities. Conditions included in the proposed Waiver prohibit the discharge of any waste that would violate State water quality standards or adversely affect beneficial uses of water.

HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY				

– Would the project:				
a) Violate any water quality standards or waste discharge requirements?				4
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which general waste discharge requirements have been granted)?				4
c) Substantially 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 would result in substantial erosion or siltation on- or off-site?			3	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			3	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			3	
f) Otherwise substantially degrade water quality?			3	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				3
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				4
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				4
j) Inundation by seiche, tsunami, or mudflow?				4

Finding: Less-than-significant Impact.

The following discussion applies to “c” through “f.”

Uncontrolled or inadequately mitigated timber harvesting 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 would 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 for specific timber harvesting activities on nonfederal lands as part of the interagency review team process, and on federal lands as part of the US Forest Service's timber harvest planning process. This project will provide additional assessment of siltation, flooding, pollution runoff, and related discharges as part of the determination of potential impacts of from timber harvest activities to waters of the region. For timber harvest activities on nonfederal lands, any such impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (FPRs). For timber harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the federal timber harvest planning process in accordance with NEPA.

Subchapter 2, Article 1, Section 896 of the FPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter-Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered Professional Foresters (RPFs) in preparing Timber Harvesting Plans, and by the [CDF] Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board's intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5 In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the [CDF] Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules.

“(b) The provisions of this subchapter shall be applied in all forest districts.”

In accordance with the above, and as a requisite for approval by CDF, each timber operation will incorporate mitigation measures deemed necessary by CDF to reduce any impact to a less than significant level.

The State Water Board has designated the US Forest Service as the Water Quality Management Agency for timber harvest activities on National Forest System lands effective May 26, 1981. For the protection of water quality, the US Forest Service implements “best management practices” and procedures for protection of water quality as identified in the document entitled “Water Quality Management for National Forest System Lands in California” and as required by the Management Agency Agreement (MAA) between the State Water Board and the US Forest Service.

The proposed Waiver divides timber harvest activities into five categories. General conditions applicable to all categories of activities require that activities adhere to environmental documents prepared for them pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA). These conditions also prevent timber harvest activities from

causing an unreasonable interference with beneficial uses amounting to a pollution or nuisance as defined by California Water Code section 13050. Discharges of wastes such as sand, silt, clay, and other wastes associated with timber harvest activities which reaches watercourses in amounts that could threaten beneficial uses would not be permitted under the proposed Resolution and Waiver.

Additionally, the categorical treatment of timber harvest activities ensures that discharges will not significantly affect water quality. Category 1 provides that timber harvest activities on nonfederal lands are eligible for coverage only if they are minor and will not: (1) occur on slopes greater than 60%, (2) have heavy equipment operation on slopes greater than 50%, (3) have new construction of tractor roads on slopes greater than 40%, (4) have tractor or other heavy equipment operations on known slides or unstable areas, (5) allow new road construction or reconstruction of logging roads, landings or watercourse crossings, (6) no timber harvest activities on soils with high or extreme erosion hazard rating, (7) no timber harvest operations involve mechanical site preparation, and (8) no timber harvest activities involve prescribed burning. Category 2 applies to activities on nonfederal lands that are exempted from discretionary review by CDF due to their limited scope and for which mitigation measures imposed on such activities by the Forest Practice Rules (FPRs) address operations on steep slopes, known slides and unstable areas, and other erosion prone areas, such as stream crossing areas. The proposed waiver includes additional conditions that are more restrictive than the FPRs that will further reduce the potential for adverse impacts due to soil erosion, including no winter operations, no stream crossings or other timber operations within stream zones, no operations on soils with high or extreme erosion hazard rating, no timber operations involving mechanical site preparation, no heavy equipment operations in meadows or wet areas, and no use of chemical herbicides. Category 3 applies to those timber harvest activities on nonfederal lands for which Regional Water Board staff has fully participated in CDF's review team process, including identification and incorporation of measures that will reduce potential effects to water quality to ensure compliance with all applicable State water quality standards. Category 4 applies to activities for which Regional Water Board staff does not fully participate in CDF's review team process and for which mitigation measures developed by a Registered Professional Forester are incorporated to reduce effects to water quality, and for which additional field review is conducted by a registered civil engineer or engineering geologist and recommendations developed by these specialists have been incorporated to address impacts from highly erodible soils, known landslides or unstable areas, or watercourse crossings requiring a large amount of fill material. Category 4 proposed waiver conditions also requires additional review by a qualified biologist if aquatic habitat is present for any rare, threatened or endangered species. Category 5 applies only to timber harvest activities on federal lands that incorporate best management practices certified by the State Water Board, approved by the US Environmental Protection Agency, and developed by a multi-disciplinary review team, and which include all measures needed to reduce the potential for direct, indirect, and cumulative watershed effects to levels that ensure compliance with applicable water quality control plans. Category 5 also requires the US Forest Service to submit a monitoring plan whenever its predictive models indicate any potential for cumulative watershed effects, in order to verify that the mitigation measures incorporated into the project have performed effectively.

Additional conditions are required to obtain waivers of waste discharge requirements that will add additional protection for water quality. Conditions that apply to all Waiver categories prohibit adverse impacts to water quality resulting from discharges associated with timber harvest activities. The Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the Waiver conditions. The Regional Water Board or its Executive Officer may terminate the Waiver at any time if the eligibility criteria are not met or the conditions not followed.

LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?				4
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				4
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				4

Finding: No Impact. Timber harvesting activities will occur in 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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				4
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				4

Finding: No Impact. This project will not affect mineral resources.

NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				4
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				4
c) A substantial permanent increase in ambient noise levels in the project vicinity above existing pre-project levels?				3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing pre-project levels?			4	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				4
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				4

Finding: Less-than-significant Impact.

d) This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements related to water quality issues. The adoption of the proposed Waiver will not alter the need to comply with CEQA, NEPA, and other State and federal laws that require analysis, disclosure, and mitigation of potential impacts to noise to less-than-significant levels. Specific timber harvesting activities could result in a substantial temporary increase in ambient noise levels above existing pre-operation levels. Noise will be evaluated and regulated for timber harvest activities on nonfederal lands via the review team process (described above), and on federal lands via the US Forest Service's timber harvest planning process (also described above).

POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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		Incorporation		
XII. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				4
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				4
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				4

Finding: No Impact. This project will have no impacts on population or housing. Timber harvesting activities affected by the adoption of this Waiver would not directly or indirectly induce population growth, displace any existing housing or job supply.

PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				4
Police protection?				4
Schools?				4
Parks?				4
Other public facilities?				4

Finding: No Impact. This project will have no impacts on public services. Timber harvesting activities will neither increase the number of structures, require additional public services, nor require new governmental facilities.

RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				4
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				4

Finding: No Impact. This project will have no impacts on recreation. Timber harvesting activities do not include recreational facilities and will not increase the use of any recreational facility.

TRANSPORTATION & TRAFFIC	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				3
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				4
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				4
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				4

e) Result in inadequate emergency access?				4
f) Result in inadequate parking capacity?				4
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				4

Finding: Less-than-significant Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements related to water quality issues. Specific timber harvesting activities may result in changes in traffic patterns and volumes on specific roadways. The adoption of the proposed Waiver will not alter the need to comply with CEQA, NEPA, and other State and federal laws that require analysis, disclosure, and mitigation of potential impacts due to changes in transportation/traffic. Any such impacts will be evaluated and regulated for timber harvest activities on nonfederal lands via the review team process (described above), and on federal lands via the US Forest Service's timber harvest planning process (also described above).

UTILITIES & SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				4
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				3
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				4
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				4
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				4
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				4

g) Comply with federal, state, and local statutes and regulations related to solid waste?				4
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Finding: No Impact. Timber harvesting activities will not adversely impact utilities and service systems. This project will have no impact on utilities and service systems.

FINDINGS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			4	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			4	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				4

Finding: Less than significant Impact.

This project involves the adoption and implementation of a policy for waiving waste discharge requirements for discharges associated with certain timber harvest activities on nonfederal lands and federal lands managed by the US Forest Service. Any such waiver would be conditional and could be terminated at any time by the Regional Water Board. The Regional Water Board determines that timber harvest activities conducted in compliance with the five categories of waivers described in this policy will not adversely affect the quality of or the beneficial uses of the waters of the State, and will not be against the public interest pursuant to California Water Code (CWC) Section 13269. In addition to the environmental protection afforded by the adoption of this policy, the Regional Water Board will continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes.

For timber harvest activities on nonfederal lands, impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (FPRs). For timber harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the federal timber harvest planning process in accordance with NEPA.

The timber harvest review team membership is composed of representatives of the California Department of Forestry (CDF), Department of Fish and Game (DFG), California Geological Survey (CGS) and the Regional Water Board. Other agencies may participate in the review team, including the California Department of Parks and Recreation, USDI National Park Service, and county Planning Departments. The CDF is the lead agency and makes the final decisions on the logging procedures included in the timber harvest plans. The other agencies are limited strictly to advisory roles. As set forth in Forest Practice Rule 1037.5, the function of the review team is "to assist the [CDF] Director in determining if plans [THPs] are in conformance with [BOF] rules and to evaluate the potential environmental impacts of timber operations."

Pursuant to the federal Clean Water Act Section 208, the State Water Resources Control Board has adopted a management agency approach for controlling discharges from timber harvest activities to waters of the State. CDF and the Board of Forestry (BOF) have the direct authority, responsibility, staffing resources and expertise to require that land use practices on timber harvest plans are implemented, enforced and evaluated. On January 21, 1988, the State Water Board approved a Management Agency Agreement (MAA) that designates the BOF and the CDF as joint management agencies for timber operations on nonfederal lands within the State.

The State Water Resources Control Board has designated the United States Department of Agriculture, Forest Service (US Forest Service), as the Water Quality Management Agency for timber harvest activities on National Forest System lands effective May 26, 1981. The State Water Board has certified and the US Environmental Protection Agency has approved, pursuant to Section 208 of the federal Clean Water Act, the "Water Quality Management for National Forest Lands in California" as being best management practices (BMPs) and the US Forest Service as the implementing agency. The US Forest Service implements BMPs and procedures for protection of water quality as identified in the document entitled "Water Quality Management For National Forest System Lands in California," maintains a water quality program consistent with the Water Quality Control Plan for the Central Valley Region, and includes a plan verification system to ensure consistent implementation, inspection, surveillance, enforcement and monitoring of BMPs.

The State and Regional Water Boards have a three-tiered process for controlling nonpoint source pollution, as described above.

The proposed Waiver divides timber harvest activities into five categories. General conditions applicable to all categories of activities require that activities adhere to environmental documents prepared for them pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA). These conditions also prevent timber harvest activities from violating any applicable provision of State water quality standards, or causing an unreasonable interference with beneficial uses amounting to a pollution or nuisance as defined by California Water Code section 13050. Beneficial uses of waterbodies in the Central Valley Region cover a broad scope, including: Municipal Water Supply, Contact Recreation, Non-Contact Recreation, Warm Freshwater Habitat; Cold Freshwater Habitat; Cold Freshwater Habitat; Wildlife Habitat; Preservation of Areas of Special Biological Significance; Rare, Threatened, or Endangered Species; Migration of Aquatic Organisms; Spawning, Reproduction, and Development; among others. Accordingly, the proposed Resolution and Waiver ensure that all these beneficial uses are protected from the potential adverse impacts of timber harvest activities. Additionally,

the categorical treatment of timber harvest activities ensures that impacts from discharges associated with timber harvest activities will not result.

The Regional Water Board has determined that when taken together, implementation of this project (adoption of “Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities in the Central Valley Region”) and the existing timber harvest activity review processes for activities on nonfederal and federal lands will mitigate environmental impacts to a less than significant impact level.