



April 17, 2017

Central Valley Regional Water Quality Control Board, Timber Harvest Unit
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Redding, CA 96002
Email: Jacqueline.Matthews@waterboards.ca.gov

**Re: Proposed General Order of Waste Discharge Requirements for Discharges
Related to Timberland Management Activities (General Order)**

The Center for Biological Diversity offers the following comments regarding the above-mentioned General Order that addresses water quality impacts from non-point sources with regard to federal and non-federal timberlands.

The Draft Order asserts that “to create a General Order does not require preparation of a subsequent or supplemental environmental document ... [because there] is no evidence to indicate that substantial changes are proposed for the project, that substantial changes have occurred with respect to the circumstances of the project, or that there is new information of substantial importance with respect to the project” This assertion is incorrect as it does not address the recent extensive logging of private lands post-fire in the region and its associated impacts such as pesticide use (and discussed somewhat in the GO Information Sheet), impacts of climate change, the recent drought impacts to forests of the Sierra, the desire of the USFS to increase logging on federal lands in the region (see, e.g., Draft Forest Plan Revisions for the three southern Sierra National Forests), or the recent ESA listings of, and designations of critical habitat for, aquatic amphibian species such as yellow-legged frogs.¹ Moreover, on private lands, under current law, companies are essentially free to log as much as they would like post-fire due to the allowances for logging of “substantially-damaged” timberlands, which includes burned timberlands. Consequently, large areas of private lands can be subject to the impacts that post-fire logging causes. For example, post-fire logging impacts erosion, and hence impacts water quality, through (1) the logging itself (e.g., the equipment compacts the soil and also kills naturally regenerating trees/vegetation), (2) roads built to facilitate the logging, (3) landing construction and reconstruction, and (4) elevated haul/use of existing roads. Even if constructed roads and landings are deemed “temporary,” their consequent impacts to watersheds and water bodies are long lasting or permanent. All of the above issues must be addressed in a subsequent or supplemental environmental document. *See, e.g.,* 14 CCR 15162.

Further, there exist a number of gaps/issues in the GO that should be addressed in order to ensure adequate water quality protection from logging and its associated activities. For example:

¹ See also the comments from Battle Creek Alliance.

- Category 2A actions have requirements that apply to them when there exist, e.g., “timberland management activities on soils with extreme erosion hazard rating (post-fire)” The Order, however, does not appear to define (or point to a place that defines) what “extreme erosion hazard rating” is, how it will be assessed and by whom, and moreover, does not explain why that threshold is appropriate for protecting water quality.
- The Order does not explain why the proposed buffers as to pesticide use are protective enough, especially with regard to rare, Sensitive or ESA/CESA listed species.
- The Order does not explain why the Equipment Limitation Zone is adequate with respect to each of the actions it applies to.
- The Order does not provide clarity as to what specifically is meant by: “Any and all riparian vegetation, other than commercial species, that is found along watercourses and lakes or that is found within or bordering meadows and wet areas shall be retained and protected during timberland management activities.”
- There is no assurance provided to allow the public access to all documents regarding the water quality impacts at issue, or to even ensure that such documents will be public, or even created. For example, some documents will only become public if the agency asks for them from the timberland owner whereas instead all documents should simply be required to be submitted and put in a publicly accessible database.
- Water quantity does not appear to be addressed such as in regard to water drafting associated with private lands logging.
- The requirements for federal land (both post-fire and non post-fire) lack specificity/explanation as to how they will ensure water quality protection.
- Overall, more definition/specificity/explanation with respect to the language as it is currently written, as well as enforceable measures, would improve the Order.

Thank you for considering these comments, and please call if you would like to discuss any of the above.

Sincerely,

/s/ Justin Augustine
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