

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF NOVEMBER 10, 2021
VIDEO/TELECONFERENCE**

ITEM 6

STATE OF THE FOREST ACTIVITIES PROGRAM

CHRONOLOGY

January 2019	The Lahontan Water Board's Conditional Waiver of WDRs for Timber Harvest and Vegetation Management Activities (Timber Waiver) was first adopted in 2003 and is currently in its fourth iteration and fifth term, after the 2019 Timber Waiver was adopted for a 5-year term.
June 2021	At the June 2021 Board meeting discussing the Lahontan Water Board 2021 Priorities and Strategic Narrative, the Lahontan Water Board was presented with the Regional Strategic Narrative and the Compliance & Planning Division Strategic Narrative documents. The Compliance & Planning Division's Strategic Narrative document identified a key Divisional Objective of Develop Region 6 Forestry Program Strategy.

BACKGROUND

The Lahontan Water Board staff spent considerable time in 2021 developing a Strategic Narrative, in part, to create a framework across the entire organization to help determine how to best allocate staff resources while meeting agency mandates, missions, vision, values, and goals. This Strategic Narrative starts at a high level with organizational mission, vision, values and goals and then tiered to a division level and then down to specific units with declared objectives on a 1-3 year timeframe. For the Forest Activities Program, the Divisional Objective is to Develop a Region 6 Forest Program Strategy. This will be achieved partly by maintain the status quo while focusing on alignment with changing policies, processes, and permitting at the State Water Board and the CA Board of Forestry, as both agencies adjust to state and federal level mandates to increase the pace and scale of forest treatments to address the wildfire threat within California.

Focus of Effort priority tasks associated with the Forest Activities Program Divisional Objective also include:

- help new staff understand the program objectives
- train new staff
- continue to create a field presence through inspections
- gather input from the regulated community and stakeholders to inform program evolution as the current Timber Waiver
- develop an updated Timber Waiver fact sheet

BACKGROUND

- Monitor legislative actions, and address 2021 wildfire season impacts. A final element of the Unit's focus of effort is to present this informational item to the Water Board.

The Timber Waiver is the permitting tool to regulate commercial and non-commercial forest management activities on public and private lands within the region. The Timber Waiver has been refined over the years and is generally well received by project proponents. The current Timber Waiver will remain in effect into spring of 2024. Staff are contemplating updating the Timber Waiver to General Waste Discharge Requirements before the current waiver expires but are watching developments in the legislature and at partner agencies to ensure that the revised forest management permit complements statutes and other agency requirements. The current Timber Waiver is a viable permit mechanism to allow for commercial logging, pro-active forest management, and emergency actions in a post-wildfire environment, whether those actions are commercial or non-commercial in nature, on both public and private lands.

Climate change, and past forest management practices have resulted in a dire wildfire threat across the state. There is an acknowledged need and desire for an increase in pace and scale of treatments to address wildfire threat and post-wildfire restoration. Water Board staff are engaged with stakeholders, partner agencies, and the State Water Board to keep permitting efforts in line with forest management needs and direction. The Lahontan Forest Activities Program staff also coordinate with the State Water Board to assist in the development of statewide permitting mechanisms related to forest management for small landowners and utility corridor treatments.

The Forest Activities Program, housed in the Forestry/Dredge and Fill Unit, has had significant staff turnover in the last two years. The late 2019 office re-organization and subsequent new hiring, coupled with promotions, retirements, and re-assignments has resulted in a 160% turnover in program staffing. Despite the challenges associated with staffing, the program has consistently met its performance targets for inspections of proposed, active, and completed projects. Monitoring and Reporting Program compliance is also high, with minor late reporting issues being addressed in a timely manner.

The forestry program has 5.5 PYs funded through the General Fund, AB 1492 (2012) and SB 901 (2018) allocations. AB 1492 waived permitting fees for commercial timber harvesting permits in CA while mandating a 1% fee on the retail sale of milled lumber in CA. This revenue funds forestry regulation across multiple CA regulatory agencies and also provides grant funds for forestry restoration activities, partly overseen by the Water Board's 319 (h) grant program.

There have been a number of wildfires within the Lahontan region over the years, but 2021 has seen historically significant fires. The Tamarack, Beckwourth, Dixie, and Caldor fires have all burned large areas within the region. Staff have engaged with USFS, BLM, CalFire, industrial timberland owners, fire protection districts, and small private forest land owners to facilitate pre- and post-fire response actions.

ISSUES

Key issues that the Forest Activities Program face are internal and external agency turnover, evolving statutory and partner agency regulatory changes, climate change and drought increasing wildfire threat. The economic and social impacts of the wildfire threat in California is increasing faster than policy or management actions are able to keep up with. Facing a multitude of issues and challenges in the Forest Activities Program, a key question that program managers and staff are faced with is how to create a Forest Program Strategy that effectively and efficiently use staff resources, while meeting both state and federal mandates in this ever changing political and environmental landscape.

The immediate answer to these challenges is to maintain a permitting mechanism for timber harvest and forest health treatments to proceed in a manner that is viable and also protective of water quality. Program staff believe that the current Timber Waiver is such a permit that meets this immediate need. Staff are engaging with the State Water Board, external stakeholders, and with partner agency personnel to determine which elements of the Timber Waiver should be modified/updated to better allow a desired increase in pace and scale, while also meeting agency mandates to protect water quality.

DISCUSSION

The purpose of this item is to update the Board on both current and evolving, internal and external issues/challenges facing the Forest Activities Program and a proposed Forest Program Strategy to directly address those same issues/challenges.

Staff will expand on the issues presented above and how the Forest Program Strategy that will be developed will help to address identified issues and challenges in the program. Input and feedback from the Board members and members of the public is welcomed.

PRESENTERS

Douglas Cushman, Senior WRCE
Adam Henriques, Environmental Scientist

PUBLIC OUTREACH/INPUT

No public outreach was conducted for this item.

RECOMMENDATION

There are no formal recommendations associated with this informational item.

ENCLOSURE	ITEM	BATES NUMBER
1	Staff Presentation	6 - 5

ENCLOSURE 1

Agenda Item No. 6

State of the Forest Activities Program

Adam Henriques, ES
Douglas Cushman, Sr. WRCE

November 10, 2021



Forestry / Dredge and Fill Unit

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Purpose of Item and Presentation

- Evaluation of agency mission, values, and goals
- Strategic Narrative
- Division Objectives (1-3 year timeframe)
- Unit Level Focus of Effort (12-18 month timeframe)
- Meeting mandates, overcoming challenges

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Presentation Outline

- Forestry Program Overview
- Recent Program Successes
- Statewide Updates
- Program Updates
- Program Challenges
- 2021 Strategic Narrative, Divisional Objectives, Unit Level Focus of Effort

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Forestry Program Overview



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Timber Harvest and Vegetation Management Activities

- Nonpoint Source (NPS) Pollution:
 - Potential for the discharge of waste, primarily in the form of sediment, to surface waters
- NPS Implementation and Enforcement Policy
- Activities require regulatory coverage
- "Timber Waiver"
 - 2014 Timber Waiver – 5th term, 4th iteration
 - Conditional Waiver of WDR – **R6T-2014-0030**
 - Applicable to all land ownership types
 - Commercial and noncommercial
- Individual WDR



Photo Credit: United States Forest Service

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Cal Fire Multiagency Review Team

- Regulation of Timber Operations by CAL FIRE is a CEQA Certified Equivalent Program
- Codified review and approval process for Timber Harvest Plans
- Staff review and provide commentary
- Pre-Harvest Inspections
- Timber Waiver enrollment as separate permitting action



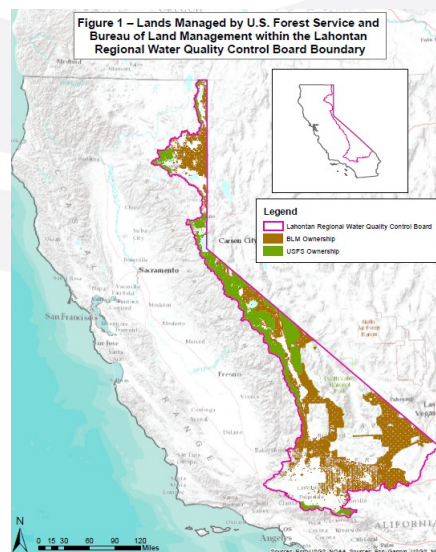
California
Department of
Conservation



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Federal Agency Project Review and Permitting

- Federal Agency Land Ownership in Lahontan Region:
 - USFS: 15%
 - BLM: 30%
 - National Park Service: 20%
- Water Board staff liaison assignments for administrative units
- Project Planning:
 - USFS: Schedule of Proposed Action (SOPA)
 - BLM: ePlanner
- Project Permitting



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20-Month Project Summary

- Projects Actively enrolled in Timber Waiver: **75**
 - Categories 4, 5, 6
- Number of projects covered under no-notification categories are unknown

Jan 1, 2020 – October 1, 2021:

- New Projects enrolled in Timber Waiver: **31**
- Inspections: **37**

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Forestry Program Successes



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Performance Measures and Reporting

- Lahontan and State Board Performance Measure: annual inspections
 - Met in FY 19 and FY20
- AB 1492, or "Timber Fund" annual reporting
- Coordination with State and Regional Boards' 319 NPS Grant Program

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Monitoring Report Compliance

- Timber Waiver and WDRs require monitoring
 - Monitoring requirements increase with potential impact to water quality
- Monitoring report compliance conveyed to Water Board through EO reports
- Monitoring and Reporting Program compliance is high

Staff Capacity Development

- Mentorship – internally and with other Regional Board staff
- Basic Forest Practice Rules Training – July 2021
- Monthly Statewide Water Board Forestry Program meeting
- Statewide coordination: Wildfire Resilience and Forest Activities Program meetings (bi-monthly)
- Field training
- Post-wildfire response



Statewide Forest Management Updates



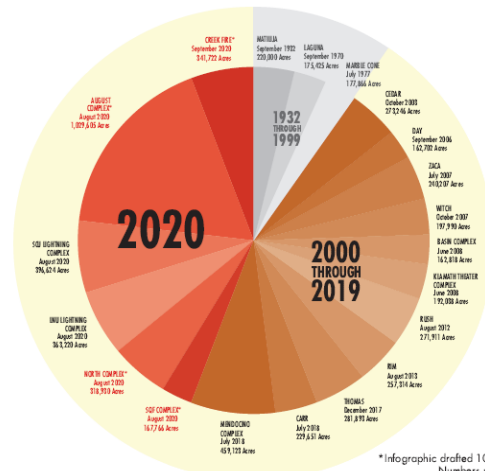
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California's Wildfire and Forest Resilience Action Plan

- Designed to strategically accelerate efforts to:
 - Restore the health and resilience of California forests, grasslands and natural places
 - Improve the fire safety of communities
 - Sustain the economic vitality of rural forested areas

TOP 20 LARGEST CALIFORNIA WILDFIRES



*Infographic drafted 10/13/2020. Numbers not finalized.

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State Water Board Permit Development: Vegetation Treatment General Order

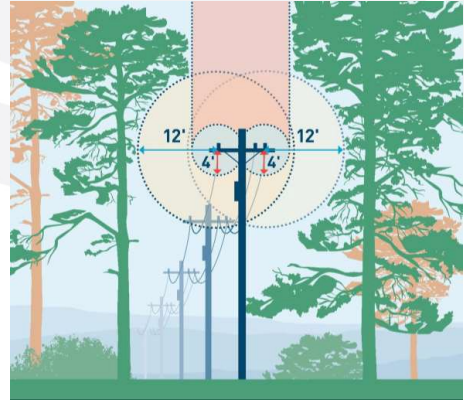
- State Water Board Order No. **WQ 2021-0026-DWQ**
 - Applies to noncommercial projects only, excludes federal land
- Forestry staff participated in permit development efforts
- Eligibility: projects analyzed using the California Vegetation Treatment Program Environmental Impact Report (CALVTP)
- Automatic enrollment by State Board, no action at Regional Boards

Senate Bill 901: Wildfires

- Approved September 21, 2018
- Initiated in the aftermath of the 2017 Sonoma County wildfires
- Directs CA regulatory agencies to synchronize forest management permitting and to address utility corridor wildfire threats
- Provided 3 positions to Lahontan Water Board in January 2020

Utility Corridor Management

- Staff review CAL FIRE issued Utility Corridor Right-of-Way Exemption Notices
- State Water Board permit development: Utility Right-of-Way General Order (ongoing)



Tracking Legislative Bills

- Increased Legislative action and focus on wildfire threat and forest management across multiple CA agencies
- Staff review, comment on, and track progress of bills that impact the WBs
- Recent development of note:
 - **SB-456-Laird** (signed by Gov. Newsom on 9/29/2021)
 - **Fire prevention: wildfire and forest resilience action plan: reports**

Forestry Program Updates



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Federal NPS Permit Update

- Overview of proposed Federal Nonpoint Source Permit:
 - Development of WDRs to regulate nonpoint source discharges for certain land management activities conducted by the United States Forest Service and Bureau of Land Management
 - Collaborative effort with Central Valley Water Board staff
- Executive decision to withdraw staff resources (August 6, 2021)
 - Line-of-sight matrix used to support decision
 - Partner, tribal, contractor notification
 - Continued commitment to address NPS pollution

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2014 Timber Waiver to General WDR

- 2019 renewal of 2014 Timber Waiver will expire in 2024
- Opportunity to pursue WDR, rather than a Waiver of WDR
 - No need to dedicate staff resources to 5 year renewal of conditional waiver
 - Stakeholder feedback is that TW is user friendly and effective
- Stakeholder Engagement Opportunities

Wildfires in Lahontan Region

- As of October 1, 2021, wildfires burned approximately 160,631 acres in the Lahontan Region
- Timber Waiver – emergency suppression, suppression repair, post-fire salvage logging
- Forestry program staff review and engage in USFS Burned Area Emergency Response (BAER) and CALFIRE Watershed Emergency Response Team (WERT) activities
- Forestry Program staff participation in internal Water Board Post-Fire Response Team

Permitting Post-Fire Activities

- Suppression repair and hazard mitigation (TW Category 3)
- Post-fire salvage logging (other Timber Waiver Categories)



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Forestry Program Challenges



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Internal Challenges

- Unit turnover, onboarding new staff via telework
- Challenges for field presence
- Shift of enforcement efforts to regulatory unit staff
- Uncertainty of how to develop/update permitting tools amidst evolving external policies, permits, new legislation, and mandates

External Challenges

- Partner agency staffing and turn over
- Evolution of forest management in response to wildfires
 - Pace and Scale commitments
 - Increased focus on treatment where no commercial value is generated
 - Programmatic environmental analysis and permitting
 - Streamlined review initiatives
 - Linkage of WB permits to evolving CALFIRE Emergency and Exemption notices for forest treatments

2021 Strategic Narrative, Divisional Objectives, Unit Level Focus of Effort



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Division Objective: Develop Forestry Program Strategy (1 - 3 years)

- Effective onboarding and training of staff
- Creating greater field presence
- Wildfire Response
- Vegetation Management on Federal Lands
- Communication and Stakeholder Outreach
- Tracking legislation, participation in policy development, accounting for new internal/external regulation
- Timber Waiver updates
- Planning for climate change impacts

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Focus of Effort: Maintain functional permitting process (12–18 months)

- Continue to train new staff
- Conduct inspections during the 2021 field season
- Gather input from regulated community and stakeholders
- Monitor legislative actions and 2021 fires season impacts
- Develop and post a Timber Waiver Fact Sheet
- Provide Informational item to the Water Board in November 2021

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Questions?

