

INITIAL STUDY

1. **Project Title:** Categorical Waiver For Discharges Related to Timber Harvest Activities
On Federal Lands Managed by the United States Department of
Agriculture, Forest Service in the North Coast Region
2. **Lead agency name and address:**
California Regional Water Quality Control Board, North Coast Region
5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403
3. **Contact person and phone number:** Nathan Quarles
(707) 576-2684
4. **Project location:** All or parts of Lake, Mendocino, Glenn, Humboldt, Trinity, Del Norte,
Siskiyou, and Modoc counties.
5. **Project sponsor's name and address:**
California Regional Water Quality Control Board, North Coast Region
5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403
6. **General plan designation:** n/a 7. **Zoning:** n/a
8. **Description of project:** (Describe the whole action involved, including but not limited to later phases
of the project, and any secondary, support, or off-site features necessary for its implementation. Attach
additional sheets if necessary.)

Categorical Waiver
For
Discharges Related to Timber Harvest Activities
On Federal Lands Managed by the
United States Department of Agriculture, Forest Service
in the
North Coast Region

The North Coast Regional Water Quality Control Board (Regional Water Board) is responsible for regulating waste discharges from timber harvesting activities on federally owned land that could affect the quality and beneficial uses of waters in the North Coast Region. Land uses associated with timber production combined with abundant water resources has led to the Regional Water Board being active in regulating discharges from logging, construction and associated activities since 1972. The extensive timber harvesting in watersheds supporting abundant stream resources has a direct influence on water quality and beneficial uses of water throughout the North Coast Region. As a responsible agency, the Regional Water Board annually reviews proposed timber sales and other projects that are prepared by the United States Department of Agriculture, Forest Service (USFS), which is the Federal water quality management agency responsible for regulation of timber harvest activities on federal lands controlled by the USFS in California.

This project involves the adoption and implementation of an Order which provides a process for timber harvest activities on federal lands controlled by the USFS in California to waive waste

discharge requirements. Any such waiver is conditional and could be terminated for good cause at any time by the Regional Water Board. The Regional Water Board determines that timber harvest activities conducted in compliance with the waiver described in this Order will not adversely affect the quality of or the beneficial uses of the waters of the State, and will be in the public interest pursuant to California Water Code (CWC) section 13269. The project authorizes discharges associated with timber harvest activities on non-federal land to proceed in compliance with the CWC.

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 CWC and may waive waste discharge requirements for a specific type of discharge that is consistent with the applicable Water Quality Control Plan (Basin Plan) and found to be in 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. 87-113. However, recent amendments to CWC Section 13269 provided that these waivers 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.

On December 10, 2002 and November 5, 2003, the Regional Water Board adopted Interim Categorical Waivers, Order numbers R1-2002-0109 and R1-2003-0116 respectively. Order R1-2002-0109 expired on December 31, 2003. Order R1-2003-0116 is active, but currently under petition to the State Water Resources Control Board (State Water Board). This project will rescind and replace those portions of Order R1-2003-0116 as they apply to timber harvest activities on federal lands.

This project involves the adoption and implementation of an Order which provides a process to waive waste discharge requirements for discharges associated with a specific set of timber harvest activities on federal land within the North Coast Region. The Regional Water Board proposes to make a determination that timber harvest activities conducted in compliance with the criteria and conditions described in the Order will not adversely affect the quality of or the beneficial uses of waters of the State, will be consistent with the Region's Basin Plan, and will be in the public interest pursuant to CWC § 13269. Any such waiver must be conditional and may be terminated for good cause at any time by the Regional Water Board.

The project authorizes specified discharges associated with timber harvest activities to proceed in compliance with the CWC. The proposed Order would apply to discharges related to timber harvest activities on Federal lands managed by the United States Department of Agriculture, Forest Service throughout the North Coast Region. It does not provide coverage for any timber harvest activities which might require an NPDES permit under the Clean Water Act.

Definitions used in this Initial Study and Associated Order

“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, together with all the work incidental thereto, including, but not limited to, construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; site preparation that involves disturbance of soil or burning of vegetation following timber

harvesting activities; but excluding preparatory treemarking, surveying or roadflagging. Also included in this definition are the above activities when performed by the USFS using its own crews, volunteers, inmate crews, etc., and/or service contracts or agreements, without regard to whether timber is to be sold for commercial purposes. It does not include the use of pesticides.

"Project" means any timber harvest activities detailed in either a Categorical Exclusion, an Environmental Assessment or an Environmental Impact Statement prepared by the USFS pursuant to the National Environmental Policy Act (NEPA) on federal lands managed by the USFS.

"Requirement of an applicable water quality control plan" means a water quality objective, prohibition, Total Maximum Daily Load (TMDL) implementation plan, or other requirement contained in a water quality control plan adopted by the Regional Board and approved by the State Water Board, and plans or policies adopted by the State Water Board that apply to the timber harvest activities. (Excerpts of the currently applicable requirements are included in Attachment 1 to this Order; Attachment 1 may be revised from time to time.)

"Monitoring" refers to all types of monitoring undertaken in connection with determining water quality conditions and factors that may affect water quality conditions, including but not limited to, instream water quality monitoring undertaken in connection with timber harvest activities, monitoring to identify short and long-term trends in water quality, active inspections of timber harvest activities, hillslope implementation and effectiveness monitoring, and project completion inspections for timber harvest activities.

All other terms shall have the same definitions as prescribed by the Porter-Cologne Water Quality Control Act, unless specified otherwise.

Timber Harvest Planning Process for Federal Lands

Pursuant to the federal Clean Water Act (Section 208), the State Water Board has adopted a "management agency approach" for controlling discharges from timber harvest activities to waters of the State. 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 a Management Agency Agreement (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 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.

The management agency approach has several benefits, including:

- Streamlining the regulatory process by avoiding duplicative regulatory requirements;
- Providing formal recognition to the programs of USFS 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.

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. The formalized cooperation (e.g. MAAs, Memorandum of Understandings) 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 State and Regional Water Boards have authority under the CWC to regulate nonpoint source discharges to waters of the state. Any of the three tiers described above can be used independently of the others based on the threat to water quality. For example, if a project represents a high threat to water quality, Tier 3 can be utilized without first using Tier 1 or 2.

The Regional Water Board seeks to utilize the opportunities available through Tier 2 to control and eliminate water quality problems associated with timber harvest activities on Federal lands before taking regulatory action under the authority of the CWC. 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 Order for “Categorical Waiver For Discharges Related to Timber Harvest Activities On Federal Lands Managed by the United States Department of Agriculture, Forest Service in the North Coast Region” is attached to this Initial Study as Appendix 1.

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

The Order would govern waste discharges resulting from timber harvest activities on Federal lands managed by the US Forest Service throughout the North Coast Region that meet certain eligibility criteria, with the exception of those activities covered by specific waste discharge requirements. The North Coast Region of California is comprised of about 25,000 square miles of land, a significant portion of which is forestland. Surrounding land uses include rangeland grazing, recreation, irrigated agriculture, dry farming, rural subdivisions and urban uses.

The North Coast Region includes 12 percent of the State's land area, produces 40 percent of the State's total runoff, and includes timber harvesting activities on public lands managed by the US Forest Service on the Mendocino National Forest, Six Rivers National Forest, Klamath National Forest, Shasta-Trinity National Forest, and minor areas of other National forest lands. In addition, approximately 45 percent of the private timber harvested within the State comes from the North Coast Region.

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

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).

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
	Utilities / Service Systems		Mandatory Findings of Significance		

π

π

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:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) 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				4

AESTHETICS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
state scenic highway?				
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 harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the federal review process in accordance with the National Environmental Policy Act (NEPA).

In 1981, the State Water Board has designated the US Forest Service as the Water Quality Management Agency for specified activities on National Forest System lands in California that may result in nonpoint source discharges. 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 MAA between the State Water Board and the US Forest Service.

The adoption of the proposed Order 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 CWC 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 (NOx) and sulfur oxides (SOx) 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 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 harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the federal review process in accordance with NEPA.

In 1981, the State Water Board has designated the US Forest Service as the Water Quality Management Agency for specified activities on National Forest System lands in California that may result in nonpoint source discharges. 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 MAA between the State Water Board and the US Forest Service.

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. Timber harvest activities are subject to rigorous environmental impact evaluation and mitigation by the established processes used in planning those activities by the US Forest Service.

Beneficial uses of waterbodies in the North Coast Region cover a broad scope, including eight separate designations for biological resources. Beneficial uses included 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.

The proposed Order contains eligibility criteria for timber harvest activities on federal land controlled by the US Forest Service. Criteria include incorporation of 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 proposed Order also contains conditions for timber harvest activities on federal land controlled by the US Forest Service. These conditions require compliance with applicable water quality control plans of the State and Regional Water Board. The control plan for the North Coast Region ensures the beneficial uses detailed above are protected from adverse impacts of timber harvest activities and that these activities will be conducted in compliance with the Region's Basin Plan. The conditions further require that the activities adhere to environmental documents prepared for them pursuant to the National Environmental Policy Act. These conditions also prevent timber harvest activities from creating a pollution or nuisance as defined by CWC Section 13050.

The proposed Order assures 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 federal lands as part of the federal timber harvest planning process (also described above). For timber harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the US Forest Service's planning process and in accordance with NEPA and the MAA between the State Water Board and the US Forest Service. Conditions contained in the proposed Order further clarify that the US Forest Service's planning process must incorporate measures developed by

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watershed specialists, and mitigation and monitoring when predictive models used by the US Forest Service indicate any potential for cumulative watershed effects.

In 1981, the State Water Board has designated the US Forest Service as the Water Quality Management Agency for specified activities on National Forest System lands in California that may result in nonpoint source discharges. 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 MAA between the State Water Board and the US Forest Service.

The proposed Order includes general conditions applicable to timber harvest activities on federal land which 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 creating 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 Order.

Additionally, the categorical waiver 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 as it will apply 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. The proposed Order 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 activity approval processes along with the conditions contained in the proposed categorical waiver 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 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 Order 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.”

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 federal lands as part of the US Forest Service’s timber harvest planning process. For timber harvest activities on federal lands, impacts must be addressed and mitigated in accordance with the federal planning process in accordance with NEPA.

In 1981, the State Water Board has designated the US Forest Service as the Water Quality Management Agency for specified activities on National Forest System lands in California that may result in nonpoint source discharges. 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 MAA between the State Water Board and the US Forest Service.

The proposed Order includes general conditions applicable to all timber harvest activities which require that activities adhere to environmental documents prepared for them pursuant to the National Environmental Policy Act (NEPA). These conditions also prevent timber harvest activities from creating 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 Order.

Additionally, the proposed Order ensures that discharges will not significantly affect water quality as it 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. The proposed Order 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.

The proposed Order 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 Order 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 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 Incorporation	Less Than Significant Impact	No Impact
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 the proposed Order 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 Order 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 federal lands via the US Forest Service's timber harvest planning process (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

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 federal lands managed by the US Forest Service. Waiver coverage under the proposed Order 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 categorical waiver described in this policy will not adversely affect the quality of or the beneficial uses of the waters of the State. The Regional Water Board further determines that the adoption of the proposed Order will result in compliance with the Basin Plan and is in the public interest pursuant to CWC Section 13269. This last sentence seem redundant in that the Order already relies on the federal review process.

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 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

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Management For National Forest System Lands in California,” maintains a water quality program consistent with the Water Quality Control Plan for the North Coast 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 Order contains general conditions applicable to all timber harvest activities that require adherence to environmental documents prepared for them pursuant to the National Environmental Policy Act (NEPA). These conditions also prevent timber harvest activities from violating any applicable provision of State water quality standards, or creating a pollution or nuisance as defined by CWC Section 13050. Beneficial uses of waterbodies in the North Coast 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 Order and waiver ensure that all these beneficial uses are protected from the potential adverse impacts of timber harvest activities on federal lands managed by the US Forest Service.

The Regional Water Board has determined that when taken together, implementation of this project (adoption of “Categorical Waiver For Discharges Related to Timber Harvest Activities On Federal Lands Managed by the United States Department of Agriculture, Forest Service in the North Coast Region”) and the existing timber harvest activity review processes for activities on federal lands will mitigate environmental impacts to a less than significant impact level.