

North Coast Regional Water Quality Control Board

Order No. R1-2013-0013

Extension of Limited Term Amendment Order No. R1-2011-0038,
to NTMP Provisions of Order No. R1-2009-0038,
Categorical Waiver of Waste Discharge Requirements for
Discharges Related to Timber Harvest Activities on
Non-Federal Lands in the North Coast Region

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. On March 24, 2011, the Regional Water Board adopted Order No. R1-2011-0038, *Limited Term Amendment to NTMP Provisions of Order No. R1-2009-0038, Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Limited Term Amendment).
2. The Limited Term Amendment stayed, until February 1, 2012, provisions of Order No. R1-2009-0038, including Section I(E), Section III, and application procedures contained in Section II as applicable to Nonindustrial Timber Management Plans (NTMP). During the stay, the conditions and provisions from the 2004 Waiver (Order R1-2004-0016) apply to NTMP landowners seeking coverage under the waiver. All other sections of Order No. R1-2009-0038 remained unchanged and in effect.
3. The limited Term Amendment was extended by Regional Water Board Order No. R1-2012-0010 on January 19, 2012. The new expiration date was August 23, 2012.
4. The limited Term Amendment was extended again, by Regional Board Order No. R1-2012-0085 on August 23, 2012. The new expiration date was March 30, 2013.
5. The intent of the Limited Term Amendment is to provide Regional Water Board staff time to evaluate the adequacy of the Forest Practice Rules (FPRs) to protect water quality within NTMPs and to engage in dialogue with stakeholders to reconcile waiver conditions that implement water quality standards with practical considerations of landowners, foresters and the Department of Forestry and Fire Protection (CAL FIRE).
6. Regional Water Board staff has concluded their investigations of the water quality protection provided by the FPRs in collaboration with California Department of Forestry and Fire Protection (CAL FIRE) and has engaged in ongoing and productive dialogue with stakeholders from a wide spectrum of viewpoints on timber and related watershed protection.

7. Based on the results of these efforts, Regional Water Board has developed draft Order No. R1-2013-0005, a Waiver of Waste Discharge Requirements specific to NTMPs (NTMP Waiver). The draft Order was publicly noticed on January 8, 2013 and the comment period ended on February 11, 2013.
8. The Regional Water Board staff conducted a public Workshop on January 24, 2013. At the Workshop, the Board directed staff to complete ongoing discussions with landowners, foresters, focus groups, and CAL FIRE and to bring a final Waiver for Regional Water Board consideration at the May 2, 2013 Board Meeting.
9. Consequently, a short term extension/renewal of the existing Limited Term Amendment is necessary and appropriate. It is the intent of Regional Water Board staff to complete ongoing discussions with landowners, foresters, focus groups and CAL FIRE and to bring a final resolution for Regional Water Board consideration on May 2, 2013.
10. The Limited Term Amendment only suspended the NTMP provisions of the 2009 Timber Waiver to 2004 protection levels. In the interim, the Regional Water Board retains all its authorities under the Water Code to address discharges of waste from NTMPs during this interim time period, including enforcement actions, requesting reports of waste discharge for individual sites, and authority to deny or terminate coverage under the Timber Waiver, as appropriate. For these reasons, a temporary extension of the Limited Term Amendment is in the public interest and consistent with the Water Quality Control Plan for the North Coast Region (Basin Plan).
11. In accordance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the temporary extension of the Limited Term Amendment is a "project" and Regional Water Board is the lead agency responsible for approving that project. Section 15061(b)(3) of the CEQA Guidelines (section 15000 et seq of title 14 of the California Code of Regulations) allows a lead agency to find a project exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The temporary time extension of the Limited Term Amendment will not have any effect on the environment because the environmental baseline, against which the Regional Water Board considers the environmental impacts of a project, includes the protections provided by the previous waiver. There is no possibility that the project will have a significant effect on the environment, and it is, therefore, exempt from CEQA.
12. The Regional Water Board has notified interested parties of its intent to extend the Limited Term Amendment until adoption of Order No. R1-2013-0005. The Regional Water Board, in a public meeting on March 14, 2013, heard and considered all comments pertaining to this amendment.

IT IS HEREBY ORDERED, that the Limited Term Amendment (Order No. R1-2011-0038), as amended, is extended until the Regional Water Board adopts Order No. R1-2013-0005.

I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on March 14, 2013.

Original signed by

Matthias St. John
Executive Officer