

**Response to Written Comments  
on  
Draft Order No. R1-2024-0001**

**General Waste Discharge Requirements for Discharges  
Related to Specific Types of Forest Management Activities  
on Non-Federal Lands in the North Coast Region**

**Prepared by:  
North Coast Regional Water Quality Control Board  
February 8, 2024**

**Background**

On September 26, 2023, Regional Water Board staff sent out a Notice of Public Hearing and Opportunity to Comment regarding the proposed General Waste Discharge Requirements for Discharges Related to Specific Types of Forest Management Activities on Non-Federal Lands in the North Coast Region, Order No. R1-2024-0001 (hereafter referred to as the Forest Management GWDR) to various entities and interested persons, including registered professional foresters, landowners, environmental groups, tribal governments, disadvantaged communities and posted the package on the Board's web page. The public comment period closed on October 26, 2023. The purpose of the Notice was to alert interested persons about the proposed Forest Management GWDR and solicit input as part of a public participation process. During the public comment period, Regional Water Board staff received one comment letter from Matthew Simmons on behalf of the Environmental Protection Information Center (EPIC) on October 16, 2023.

This document includes a summary of the comment received, followed by Regional Water Board Staff's response to the comment.

**EPIC Comment Letter:** EPIC's main comment was to recommend that the Regional Water Board not rely on the Board of Forestry and California Department of Forestry and Fire Protection (CAL FIRE) to provide adequate protection to water resources on post-fire logging exemptions. It points out that it has been four years since release of the report from the multi-agency Emergency Notice monitoring study that found that performance on 40% of the Emergency Notices surveyed was identified as either "substandard" or "unacceptable" as that relates to water quality protections and maintains that the Regional Water Board should act on its own authority to implement rule changes that address conditions observed on exemption projects. EPIC urges the Board not to approve the proposed Forest Management GWDR or reissue the existing waiver until adequate regulatory protection measures are implemented by the Board of Forestry and CAL FIRE.

**Response:** In the September 26, 2023, Notice of Public Hearing, the Regional Water Board acknowledges the unacceptably high level of substandard water quality protection on Emergency Notices. However, the Public Notice also states that since 2017, the Regional Water Board has increased its oversight and investigation of post-

fire timber salvage operations in the North Coast Region. Since that time, CAL FIRE, the Board of Forestry, and the review team agencies have taken multiple actions to address these shortcomings and to improve project performance, including but not limited to the following: increased inspections; dissemination of information to registered professional foresters, licensed timber operators and landowners; new regulatory informational flyers that are distributed with each Emergency Notice authorization; increased enforcement for regulatory violations; and changes to the Forest Practice Rules.

Regional Water Board staff have identified several areas of concern that remain, including clarification of which of the Forest Practice Rules are considered to be “operational provisions”, and improving agency oversight of construction and reconstruction of road and watercourse crossings, which staff believes would improve the Emergency Notice authorization and project performance. The Board of Forestry and CAL FIRE staff, in collaboration with the Water Boards and California Department of Fish and Wildlife, are currently working on draft rule changes and guidance to address these concerns through the Board of Forestry’s public rulemaking process. Regional Water Board staff strongly believe that in the interest of efficiency, regulatory consistency, and clarity, that it is preferable that any potential shortcomings be addressed through revisions to the Forest Practice Rules rather than burdening the regulated community with regional differences and overlapping or contradictory rules applying to individual projects. As such, the Regional Water Board is hopeful that the final rule changes and guidance will address concerns over the lack of certainty regarding which “operational provisions” apply to exemptions and emergency notices of timber operations, as well as clarifications and rule changes regarding road and watercourse construction activities. Additionally, the Regional Water Board maintains its authority in determining and enforcing Basin Plan compliance. The Regional Water Board also maintains the authority to revise the Order if the final Board of Forestry rules are deemed inadequate to protect beneficial uses of water.

Mr. Simmons urged that the Regional Board does not adopt the Forest Management GWDR or reapprove the existing waiver until adequate regulatory protection measures are implemented by the Board of Forestry and CAL FIRE. Failing to adopt the Forest Management GWDR or renew the existing Waiver would result in the Conditional Waiver expiring leaving Emergency and Exemption Notices (along with other timber harvesting projects included in the Forest Management GWDR) with no viable Regional Water Board permitting mechanism for an indefinite period of time, thereby weakening the Board’s ability to conduct oversight and enforcement. Staff maintains that the current strategy of adopting the proposed Forest Management GWDR is sound and is committed to ongoing oversight and engagement with the other review team agencies working to improve performance on emergency timber operations. That commitment includes revising the Forest Management GWDR in the future in the eventuality that it becomes apparent that is warranted.

Accordingly, given improvements in the Emergency Notice process since 2017, draft changes to the Forest Practices Rules and guidance, existing water quality protections offered under the Board’s permitting framework, and the impending expiration of the existing waiver, Board staff recommends adoption of the proposed Forest Management GWDR at this time.