

# Forests, Fuels and Fires

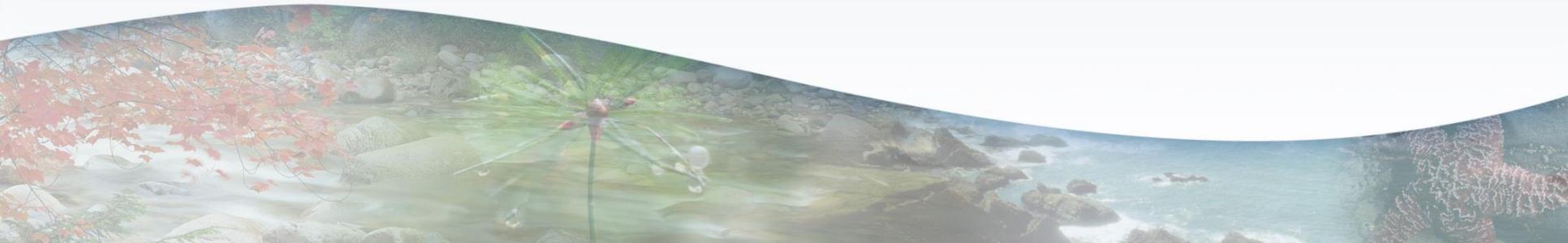
Adapting to Governors' decrees, new legislation, and evolving regulations in a rapidly changing climate

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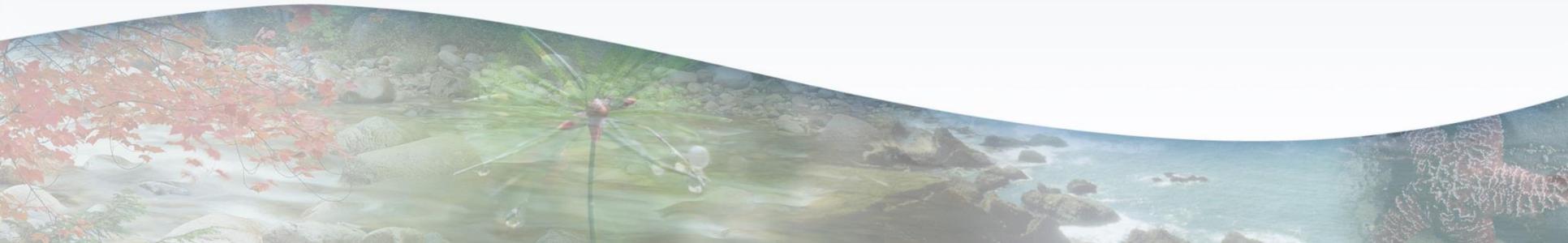
North Coast Regional Water Quality Control Board

April 16, 2020



# Presentation Topics

1. Governors' Executive Orders
2. Senate Bill 901, Dodd. Wildfires
3. Post-Fire Salvage Inspections/Report
4. New Permits
5. Staffing Changes, Reorganization
6. Next Steps

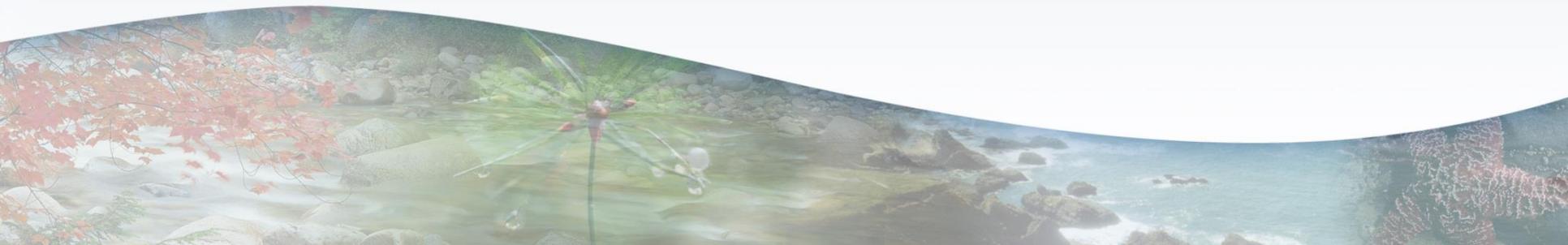


# California's Changing Environment



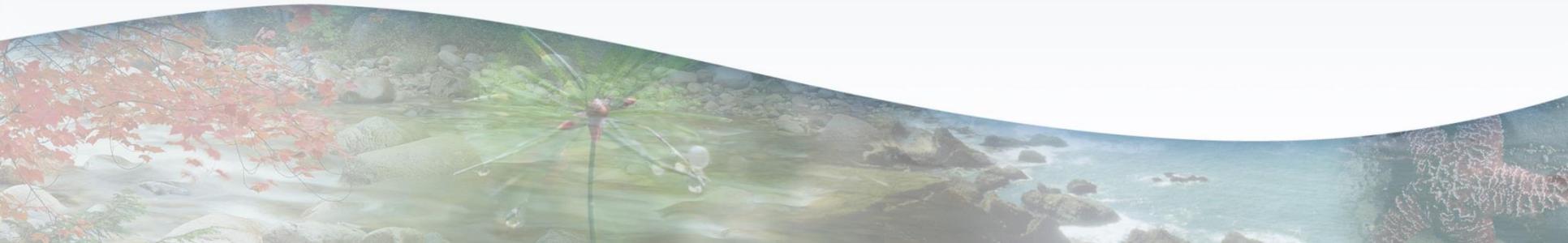
# Changing Fire Regime

- 2017 North Bay Fires – Lives lost (44), structures (>9,000)
- 2017 Thomas Fire – Largest Fire (>281k acres)
- 2018 Carr Fire – Fastest Winds (143 mph)
- 2018 Mendocino Complex – Largest Fire (>450k acres)
- 2018 Camp Fire – Lives lost (85), structures (18,804)
- 2019 Kincadee Fire – Largest evacuation (>200k citizens)



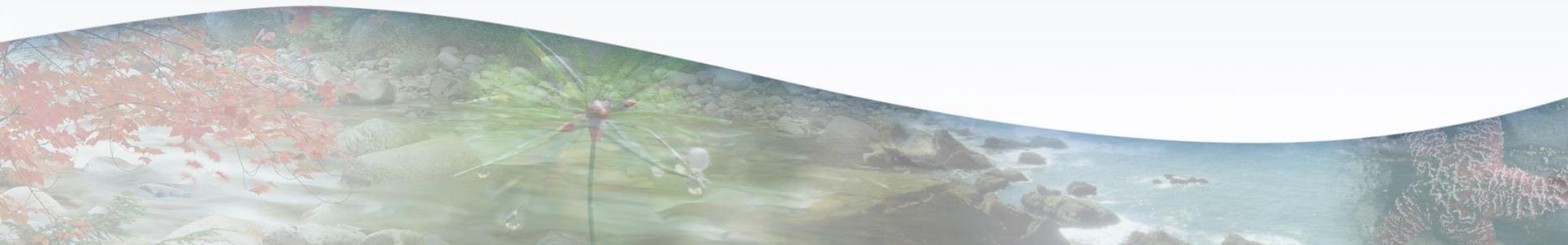
# CA Wildfire Response Themes

- *Protect communities*
- *Improve forest health*
- *Increase “pace and scale”*
- *Remove regulatory hurdles*
- *Protect the environment*



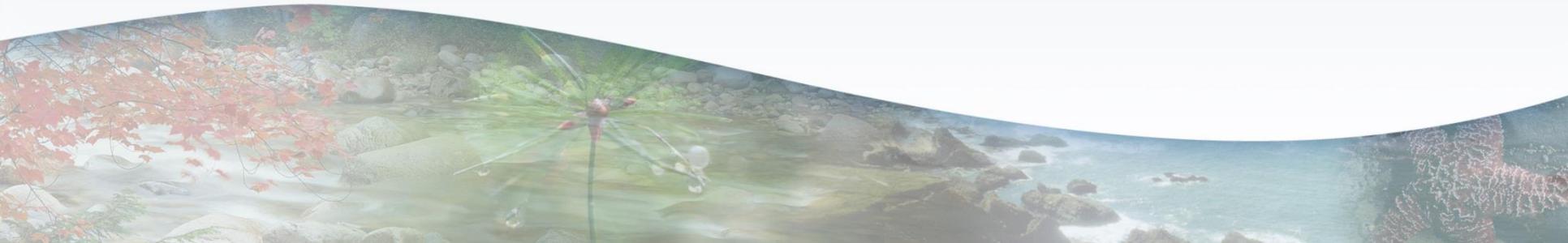
# Governors' Executive Orders

- 2018 – Gov. Brown's Executive Order on Forests (B-52-18)
  - Improve Forest Management and Restoration
  - Provide Regulatory Relief
  - Promote Prescribed Fire
  - Boost Education and Outreach
  - Double fuels management targets to 500,000 acres within 5 years
- Created Forest Management Task Force
- Requires engagement across all state agencies



# Governors' Executive Orders

- 2019 – Gov. Newsom's Emergency Proclamation (Exec. Order N-05-19)
- Required CalFire to develop 45-Day Report with recommendations on potential administrative, regulatory and procedural changes
- Report identified 35 Emergency projects to protect 200 vulnerable communities



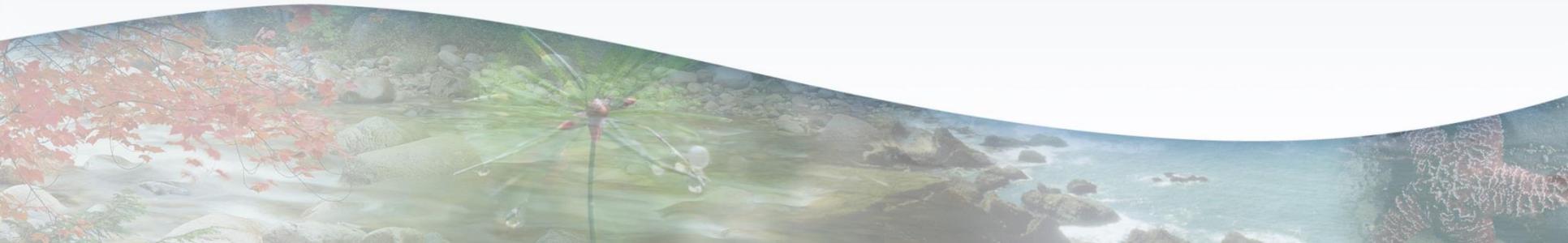
# Governors' Emergency Projects

## UKIAH FUELS REDUCTION PROJECT



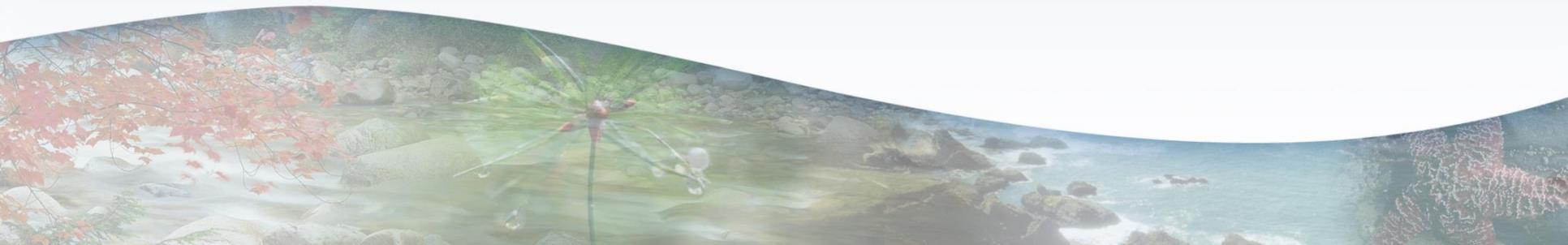
# Senate Bill 901, Dodd. Wildfires

- Governor Brown approved SB-901 in Sept 2018
- Bill was developed for the purpose of improving forest health, reducing catastrophic fires and protecting communities
- Requires public utilities to develop *wildfire mitigation plans* and submit to California Public Utilities Commission (CPUC)



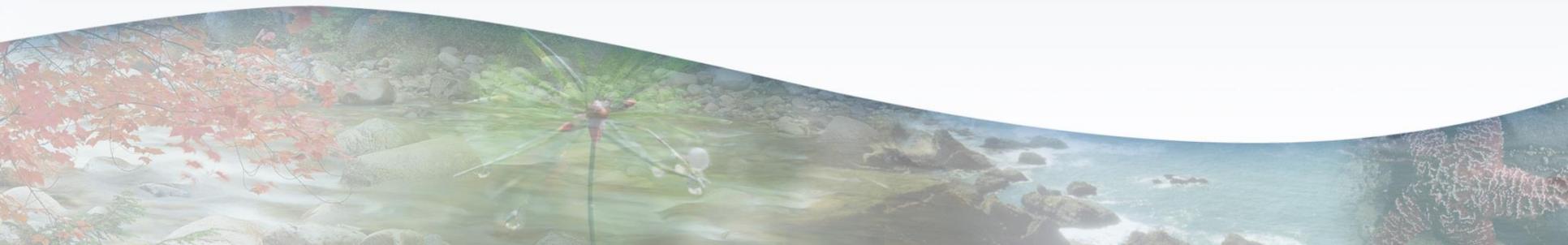
# Senate Bill 901, Dodd. Wildfires

- Created new timber harvest exemptions (EX)
  - Small Timberland Owner Exemption
  - Fire Prevention Exemption
- Created new Working Forest Management Plan (WFMP)
- Requires CalFire & BOF to annually monitor and report to legislature the use of EX and emergency notices (EN)
- Requires Forest Management Task Force to identify opportunities to streamline the Forest Practice Act



# Senate Bill 901, Dodd. Wildfires

- Allocated \$200 million per year for 5 years (\$1 billion) from the Greenhouse Gas Fund to CalFire for healthy forest and fire prevention projects
- SWRCB submitted budget change proposal to increase state agency staffing for regulatory oversight and program development
- SWRCB currently developing statewide permits for utility corridor maintenance and non-commercial fuel reduction projects



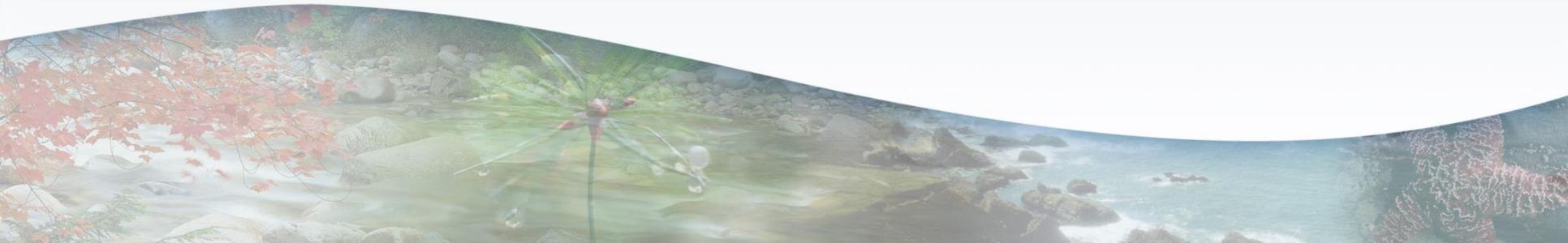
# Exemptions and Emergencies

- CalFire EX/EN project types:
  - 1038(b) – Fuelwood or Split Product or Slash & Woody Debris
  - 1038(d) – Harvesting Dead, Dying or Diseased Trees etc.
  - **1038(f) – Small Timberland Owner**
  - **1038.3 – Fire Prevention**
  - 1104.1(a) – Less than 3 Acre Conversion
  - 1104.1(c) – Private/Public Agency Right of Way
- CalFire administers exemptions (EX) and emergency notices (EN) as ministerial permits through the FPRs
- Authorized EX/EN projects receive automatic enrollment under Waiver of WDRs Order No. R1-2014-0001



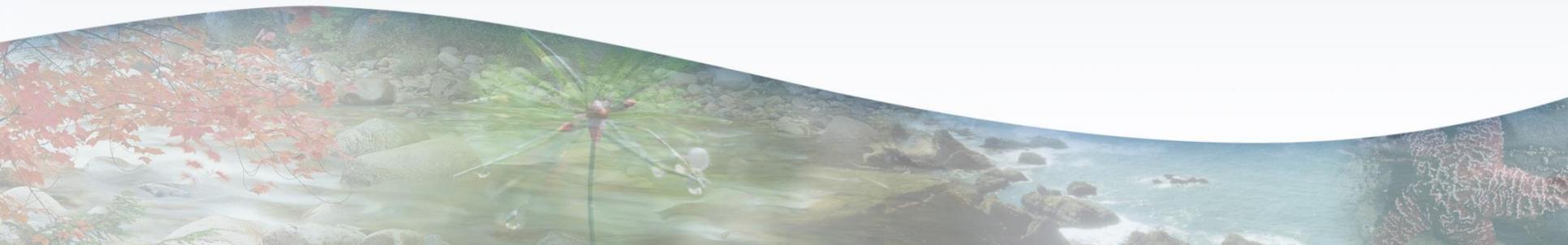
# Post-Fire Salvage Inspections

- In 2018, NCRWQCB staff developed Post-Fire Salvage Inspection Workplan
  - Increase in number of projects occurring following 2017 fires
  - Set goal of inspecting 20 projects
- Inspections would inform future revisions to NCRWQCB's Non-Federal Waiver of WDRs, Order No. R1-2014-0011
- In 2019, NCRWQCB and CalFire collaborated to conduct monitoring required by SB-901



# Post-Fire Salvage Inspections

- In 2019, CalFire inspected 54 “emergency notices” (post-fire salvage projects) throughout the state
- NCRWQCB assembled team of inspectors to participate in 20 joint inspections with CalFire
- In December 2019, CalFire and the Board of Forestry released draft Emergency Notice Monitoring Report



# Monitoring Report

DRAFT

## EMERGENCY NOTICE OF TIMBER OPERATIONS MONITORING AND REPORT ON EXEMPTION USAGE



December 2, 2019



Thomas W. Porter, Director  
California Department of Forestry and Fire Protection

J. Keith Gilles, Chair  
State Board of Forestry and Fire Protection

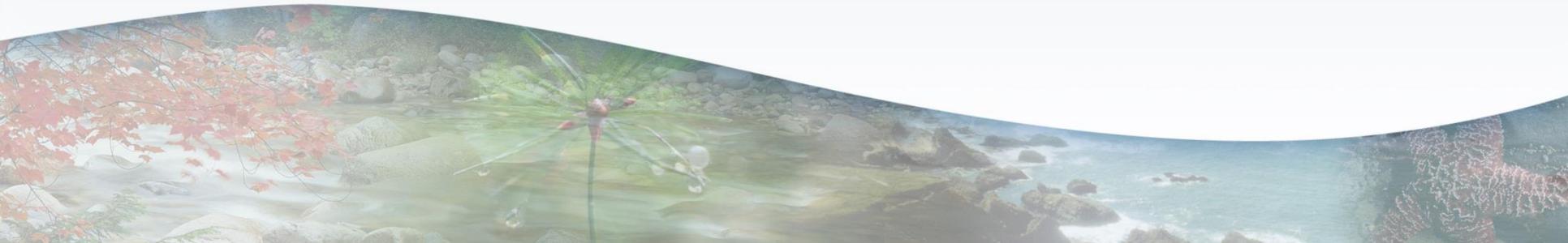
Wade Crowfoot, Secretary for Natural Resources  
California Natural Resources Agency

Gavin Newsom, Governor  
State of California

- 60% of post-fire salvage projects inspected were implemented consistent with typical timber harvest plans
- **40% of projects** inspected were identified as being either “**substandard**” or “**unacceptable**” relative to water quality

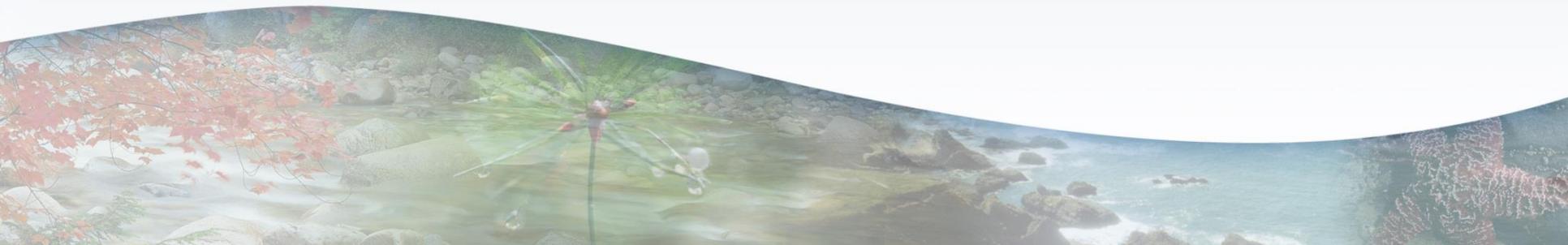
# Inspection Report

- In December 2019, NCRWQCB staff provided written comments to Board of Forestry on the draft report regarding:
  1. Ambiguity of Forest Practice Rules “operational provisions”
  2. Concerns regarding unlimited road construction/reconstruction allowed under EN projects
  3. Word of caution regarding increasing “pace and scale” and ministerial permitting approach



# Outreach and Education

- March 11, 2020. Board of Forestry Executive Officer sent letter to all RPFs identifying expectations for post-fire salvage activities (emergency notices)
- CalFire is currently identifying all “operational provisions” of the FPRs that apply to emergency notices
- NCRWQCB staff are finalizing a one-page document to be sent by CalFire to all landowners and consulting RPFs regarding applicable water quality regulations



# Outreach and Education



## NORTH COAST WATER BOARD Permitting for Emergency Notices: *What you need to know*

Staff of the North Coast Regional Water Quality Control Board (North Coast Water Board) developed this memorandum to provide information to landowners, Registered Professional Foresters (RPFs), and Licensed Timber Operators (LTOs), about their permit responsibilities and requirements to protect water quality when conducting post-fire timber salvage projects in the North Coast Region.



Location of the North Coast Region

### Wildfires and Water Quality

The impacts to the environment from catastrophic wildfires can be significant, especially relative to the health of streams, rivers, and wetlands. Following a wildfire, the landscape is exceptionally vulnerable to impacts as a result of land use activities. On private lands, landowners may choose to harvest merchantable timber shortly following a wildfire

in order to salvage the value of the trees before they degrade. While conducting timber salvage operations, landowners and their consulting RPFs and LTOs must be aware of all regulations that apply to their activities and ensure that operations are conducted in a manner that is protective of the environment, including water quality.

### Water Quality Regulations

The North Coast Water Board is the state regulatory agency with primary responsibility for protection of water quality in the North Coast Region. In that role, the North Coast Water Board issues permits for activities that have the potential to discharge pollutants, such as sediment, to waters of the state.



High intensity wildfire makes watersheds more sensitive to disturbance

Some landowners, RPFs and LTOs may not be aware of the North Coast Water Board's water quality regulations and permitting that apply to their post-fire salvage operations. Post-fire salvage projects conducted under an Emergency Notice pursuant to the California Forest Practice Rules are typically covered under Category A of the North Coast Water Board's Order No. R1-2014-0011, *Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Categorical Waiver).

[https://www.waterboards.ca.gov/northcoast/water\\_issue/s/programs/forest\\_activities/private\\_forest\\_land/](https://www.waterboards.ca.gov/northcoast/water_issue/s/programs/forest_activities/private_forest_land/)

### Coverage for Projects

Emergency Notices are automatically covered by the Categorical Waiver once CAL FIRE has accepted the landowner's Emergency Notice for the project. The North Coast Water Board's permits for timber operations are intended to ensure that projects are designed and implemented to prevent sediment discharges and retain trees that provide shade to streams.



Post-fire Salvage must be conducted in a manner protective of water quality

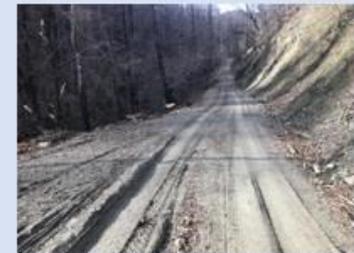
These objectives can generally be met by compliance with applicable Forest Practice Rules (FPRs) but also require care on the part of consulting RPFs and LTOs.

Section I of the Categorical Waiver describes General Conditions that apply to all enrolled projects that landowners and their consultants should be aware of. Most pertinent for Emergency Notice fire salvage projects are the following:

1. The landowner shall comply with all applicable requirements and prohibitions specified in the Basin Plan and policies adopted by the State Water Board.
2. The landowner shall allow Regional Water Board staff entry onto the affected property for the purposes of observing, inspecting, photographing, videotaping, measuring, and/or collecting samples or other monitoring information.
3. The landowner shall conduct timber harvest activities and erosion control maintenance in compliance with the FPRs.

### Inspections:

The North Coast Water Board, in its role overseeing water quality, may inspect the project to ensure compliance with the General Conditions. These inspections may occur with or without CAL FIRE, but we provide at least 48 hours of notification beforehand. Where we observe a project that is not in compliance, we will engage with the landowner and their consultants to correct the noncompliance. Our engagement often will take the form of verbal or written recommendations advising the landowner on actions needed to protect water quality but, in some cases, could rise to a formal enforcement action.



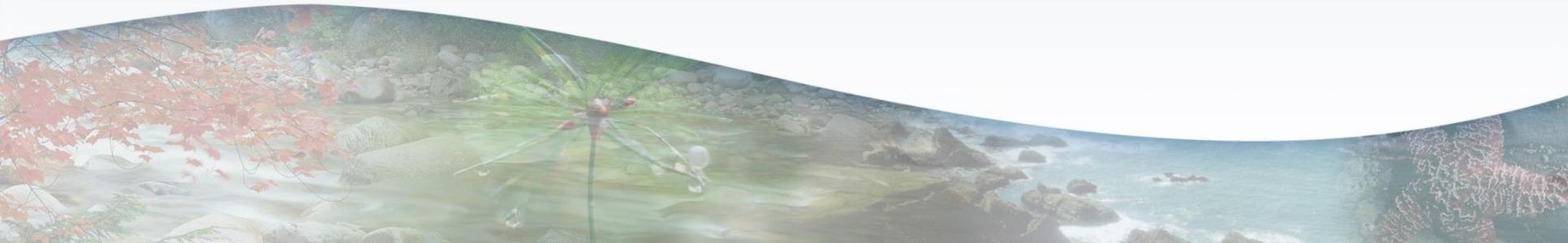
Roads like this one can contribute sediment to streams

The North Coast Water Board recognizes and supports the need for landowners to protect and improve their property following destructive wildfires. The Categorical Waiver is designed to expedite the permitting requirements while fulfilling the North Coast Water Board's statutory mandate to ensure protection of water quality.

We encourage landowners to contact North Coast Water Board staff with any questions or concerns. We can be reached by phone at (707)578-2220, or by email at [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov).

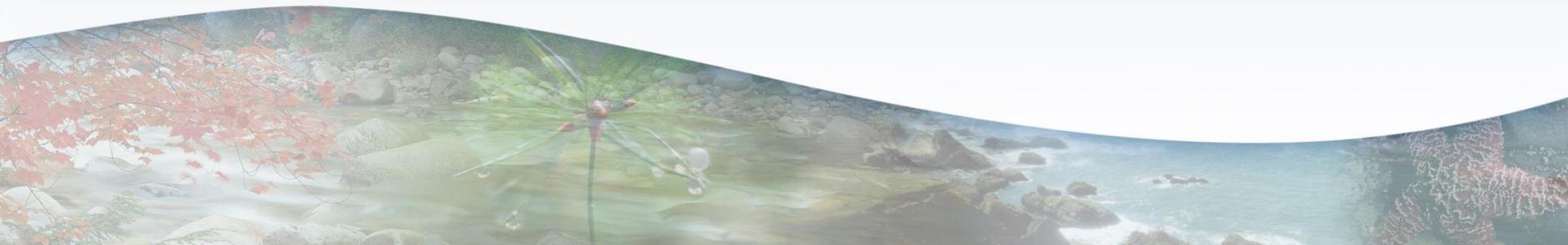
# New Permits

- State Water Board will be working with Regional Water Board staff to develop two new general orders related to fuels management projects:
  1. Utility corridor maintenance
    - Covers activities within waters of the state
    - Likely a 401 Water Quality Certification
  2. California Vegetation Treatment Program (CalVTP) and Programmatic Environmental Impact Report
    - Adopted by BOF in December 2019
    - Covers non-commercial fuels management projects
    - Likely a waiver or GWDR



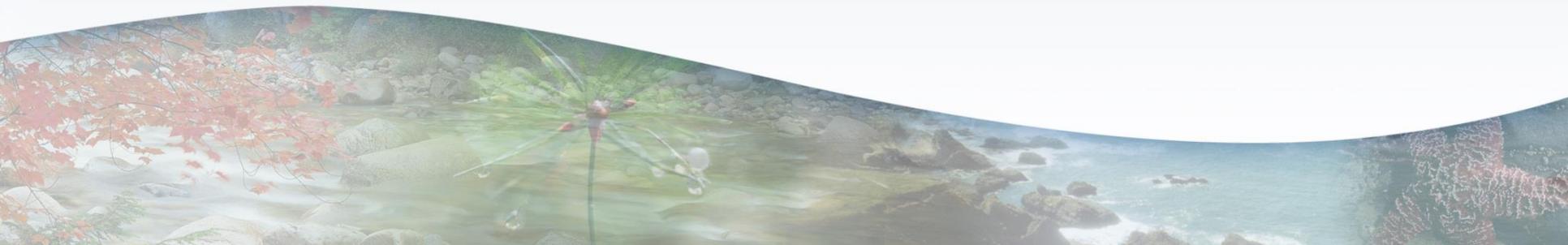
# Staffing Changes, Reorganization

- SB-901 budget change proposal (BCP) allocated 22 new positions to Water Boards
- 5 new staff to North Coast Water Board
  - 1 Senior Environmental Scientist
  - 2 Environmental Scientists
  - 2 Engineering Geologists
- BCP created one new SB-901 Unit in Nonpoint Source and Surface Water Protection Division



# Staffing Changes, Reorganization

- One single SB-901 Unit did not make sense considering types of activities:
  - Utility corridor maintenance expected to be permitted through 401 Water Quality Certification Program
  - Fuels management projects expected to be regulated by Forest Activities Program
- Warranted reorganization of the Nonpoint Source and Surface Water Protection Division





# NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD REGION 1 – NORTH COAST / EUREKA



**Gavin Newsom**  
Governor

*Matthias St. John*  
Executive Officer  
March 1, 2020

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**VACANT**

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Gilbert Falcone

**NORTHERN NONPOINT  
SOURCE & 401 CERTIFICATION  
UNIT**

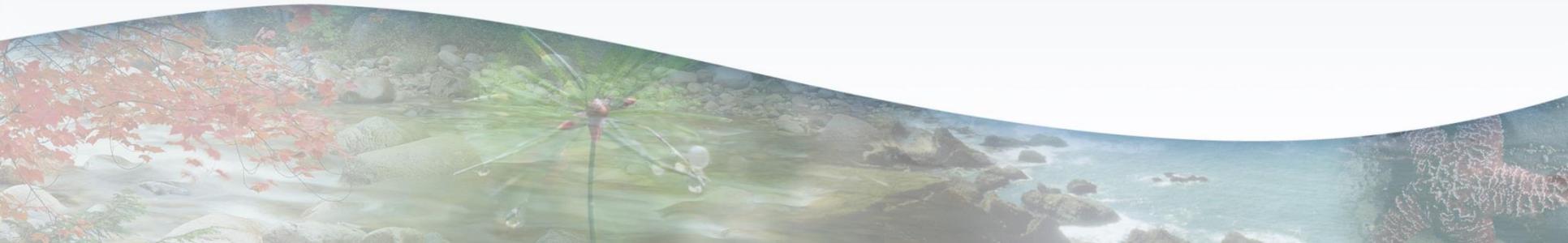
Senior Environmental Scientist  
(Sup.)  
880-110-0764-011  
Ryan Bey

WRC Engineer 880-110-3846-023 Joelle Geppert (.8)	Engineering Geologist 880-110-3756-035 David Fowler
WRC Engineer 880-110-3846-046 Cheryl Blatt	Environmental Scientist 880-110-0762-050 Justin Fitt
Engineering Geologist 880-110-3756-013 Margaret Robinson	Engineering Geologist 880-110-3756-060 Izaac Russo
Engineering Geologist 880-110-3756-019 Carey Wilder	

Engineering Geologist 880-110-3756-028 Benjamin Minx	Engineering Geologist 880-110-3756-053 Carley Dunleavy
Engineering Geologist 880-110-3756-037 Michael Huma	Environmental Scientist 880-110-0762-017 Tim Walcott
Engineering Geologist 880-110-3756-038 <b>VACANT</b>	Environmental Scientist 880-110-0762-058 Chad Johnson
Engineering Geologist 880-110-3756-052 Devon Jorgenson	

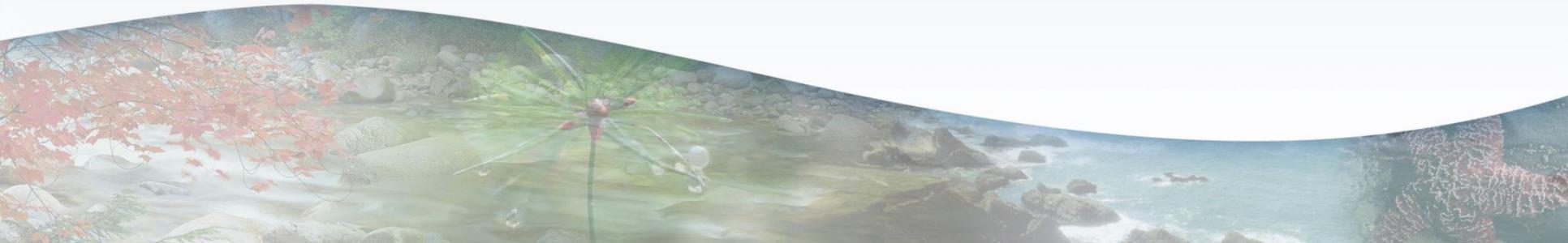
Environmental Scientist 880-110-0762-022 Kaete King
Environmental Scientist 880-110-0762-024 <b>VACANT</b>
Environmental Scientist 880-110-0762-904 Susan Stewart
Engineering Geologist 880-110-3756-059 Dean Prat

Environmental Scientist 880-110-0762-045 Jacob Shannon
Environmental Scientist 880-110-0762-046 Brandon Stevens
Engineering Geologist 880-110-3756-015 Scott Gergus
Environmental Scientist 880-110-0762-057 Shannon Strong



# Regional Water Board Next Steps

1. Continue to inspect utility corridor maintenance, fuels reduction, and other EX/EN projects
2. Support State Water Board during development of the new general orders
3. Participate in EX/EN monitoring process with CalFire
4. Update Waiver of WDRs for Non-Federal Projects and bring back to board in coming years



# Questions

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