NOTICE OF PUBLIC HEARING

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

NOTICE IS HEREBY GIVEN that the North Coast Regional Water Quality Control Board (Regional Water Board) will conduct a public hearing to consider adoption of proposed Order No. R1-2014-0011, renewal of the *Categorical Waiver of Waste Discharge Requirements for Discharges for Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Categorical Waiver).

Copies of the proposed Order are on file and may be inspected or copied at the Regional Water Board office during normal business hours or viewed at:

http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/

A public hearing to consider comments and objections to the proposed Order is scheduled for Thursday, May 8, 2014, at 9:00 a.m., in Fortuna, California, at the River Lodge Conference Center, 1800 Riverwalk Dr., or as announced in the Regional Water Board’s agenda. Please be aware that dates and venues may change.

Our Web address is: http://www.waterboards.ca.gov/northcoast where you can access the current agenda for changes in dates and locations. At the public hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Categorical Waiver.

**Overview**
The State’s Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Implementation Policy) requires that “all current and proposed nonpoint source discharges must be regulated under WDRs, waivers of WDRs, a basin plan prohibition, or some combination of these tools.”

The Regional Water Board regulates waste discharges from timber harvesting activities in the North Coast under general or individual waste discharge requirements (WDRs) or waivers of waste discharge requirements. Timber harvesting activities that pose a low or insignificant risk of waste discharge are regulated by conditional waivers of WDRs. The proposed Categorical Waiver applies to five categories of timber harvest activities as defined in the California Forest Practice Rules, and establishes general and specific conditions and eligibility criteria for each category for which WDRs can be waived. Implementation and compliance with the general and specific conditions result in timber harvesting projects that are considered to be low impact, and therefore pose no significant threat to water quality.

On June 24, 2009, the Regional Board adopted Order No. R1-2009-0038, Categorical Waiver, which renewed and revised the previous Categorical Waiver, Order No. R1-2004-0016. Water Code section 13269 requires that a waiver shall not exceed five years in duration, but may be renewed by a regional board. As such, on May 8, 2014, the Regional
Water Board will consider adoption of proposed Order R1-2014-0011, to renew the Categorical Waiver, along with minor revisions to reflect changes in timber harvesting regulations in California.

**Proposed Order**
Proposed Order No. R1-2014-0011 renews the Categorical Waiver and includes revised findings, minor reorganization to improve clarity, revisions to general conditions applicable to all waiver categories (Section I), specific conditions of Categorical Waivers C and F (Section II), and revised application procedures for Categorical Waivers C, D, and F (Section III). Categorical Waiver E has been superseded by Order No. R1-2013-0005. Therefore, NTMPs are no longer eligible for coverage under the Categorical Waiver. Notable revisions to the Categorical Waiver included in proposed Order R1-02014-0011 include the following:

- Categorical Waiver C has been expanded to consider projects that the Regional Water Board Executive Officer (EO) has determined is in compliance with an approved sediment TMDL action plan or other TMDL compliant management plan.

The following revisions apply to Categorical Waiver F:

- Required annual inspections reduced to once per year throughout the life of the THP and erosion control maintenance period;

- Attachment C of this Order provides a map point table developed in collaboration with representatives of timber harvest review team agencies and Registered Professional Foresters. The table was designed to provide single format for information the various agencies require in THPs to satisfy their mandates. Information presented in the map point table to fully and properly comply with FPRs addressing erosion control and prevention or minimization of sediment discharge may satisfy the ECP requirements described in Categorical Waiver F when the landowner demonstrates to the satisfaction of Regional Water Board staff that the information is adequate to prevent and minimize controllable sediment discharge from the THP;

- The condition requiring geologic evaluation by Professional Geologist has been revised to apply to those timber harvest activities that pose a risk of triggering shallow or active landslides, such as timber falling, road construction or reconstruction, and use of ground based equipment;

- Clearcutting or other silvicultural methods resulting in intensive canopy removal are not allowed on areas with slopes greater than 65% and within 200 feet from a watercourse. Such areas of intensive canopy removal may not exceed 20 contiguous acres (no oversize clearcuts) or 100 total acres;

- In addition to the canopy retention within 200 feet of watercourses described above, THPs must also at a minimum comply with the shade canopy requirements of the Anadromous Salmonid Protection (ASP) rules. Site specific recommendations by Regional Water Board staff intended to protect or restore shade to meet the temperature objective must be included in the approved THP;

- Winter period restrictions have been revised to allow timber falling and cable yarding;
**Document Review**

Copies of the proposed Order, related documents, and comments received are on file and may be inspected or copied at the Regional Water Board office during normal business hours or viewed at:

http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/


For further information, please contact Regional Board staff member Jim Burke (707) 576-2289 or James.Burke@waterboards.ca.gov.

**Public Comment Period**

The proposed Order is available for public review for 30 days, from February 24, 2014 to 5:00 p.m. and ending on March 24, 2014. Persons wishing to comment in writing on the proposed Order must submit comments to the Regional Water Board no later than the close of the 30-day public review period, 5:00 p.m. on approximately March 24, 2014 in order to ensure written responses to their comments prior to the Board hearing.

Written comments may be submitted by US mail, email, or fax to Jim Burke at:

North Coast Regional Water Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403  
James.Burke@waterboards.ca.gov  
(707) 523-0135 Fax

**Public Hearing Procedures**

The public meeting to consider the proposed Order has been scheduled for Thursday, May 8, 2014, in Fortuna, California at 9:00 a.m. The meeting will be held at the River Lodge Conference Center, 1800 Riverwalk Dr., Fortuna, California or as otherwise noticed in the Meeting Announcement. Please be aware that dates and venues may change.

In order for the Regional Water Board to consider any evidentiary material concerning this hearing, any documents, including written technical reports and other evidentiary material, must be received by the Regional Water Board no later than the close of the 30-day public review period, approximately 5:00 p.m., on **March 24, 2014**, at 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403. This written material will be submitted to the Regional Water Board member and all interested persons along with the full agenda materials.

Written material received after the above date will not be accepted except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or
the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Board. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually allow no more than 15 minutes for Regional Water Board staff and the Discharger and three minutes for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

For directions to the North Coast Regional Water Quality Control Board offices, please refer to: [http://www.waterboards.ca.gov/northcoast/about_us/contact_us.shtml](http://www.waterboards.ca.gov/northcoast/about_us/contact_us.shtml). Parking for the meetings is available onsite. Individuals requiring special accommodations are requested to contact Ms. Patti Corsie, Executive Assistant, at (707) 576-2307 or PCorsie@waterboards.ca.gov at least five days prior to the meeting. TTY/TDD/Speech-to-Speech users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Ex parte communications are allowed in this matter subject to the disclosure requirements of Water Code section 13287. A form to assist in this process can be found on the Regional Water Board's website at:


The Water Board is required to post the disclosure on its website and to distribute it via any electronic distribution list for the proposed order. Ex parte disclosures shall not constitute written comments or evidence on a proposed general order. You must provide the comments or evidence by following the procedure and timelines provided above. **Ex parte communications are prohibited for a period beginning 14 days before the board meeting at which the proposed order is scheduled for board action.** For communications concerning any issue in this proceeding, ex parte communications are prohibited starting on April 24, 2014. If the board does not take action on May 8, 2014, the ex parte prohibition will remain in place until the board, the Chair or the Executive Officer directs otherwise. Once lifted, the prohibition on ex parte communications may be reinstated for 14 days before the day of the board meeting to which the decision is continued. The board will provide notice via the Lyris and the interested parties email lists for this item if the prohibition is lifted and/or reinstated.