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Regional Water Quality Control Board  
North Coast Region  
Staff Summary Report  
May 7, 2026

**ITEM: 3**

**SUBJECT:** Public Hearing to consider adoption of Order No. R1-2026-0015, *Waste Discharge Requirements for Nonpoint Source Discharges and Other Controllable Water Quality Factors Related to Timber Harvesting and Associated Activities Conducted by Humboldt Redwood Company, LLC In the Upper Elk River Watershed Humboldt County (Elk River WDR)*

**BOARD ACTION:** The Board will consider adoption of Proposed Order No. R1-2026-0015.

**BACKGROUND:** On June 19, 2019, the North Coast Regional Water Quality Control Board (North Coast Water Board) adopted Order No. R1-2019-0021, Waste Discharge Requirements for Nonpoint Source Discharges and Other Controllable Water Quality Factors Related to Timber Harvesting and Associated Activities Conducted by Humboldt Redwood Company, LLC (HRC) In the Upper Elk River Watershed Humboldt County (Proposed Order No. R1-2026-0015). The 2019 Elk River WDR provides a water quality regulatory structure for HRC to prevent and/or address discharges of waste and other controllable water quality factors associated with timber harvest activities in the Upper Elk River watershed.

The Elk River WDR is a critical regulatory mechanism intended to implement the Action Plan for the Upper Elk River Sediment TMDL (TMDL Action Plan), which the Board adopted on May 12, 2016. The Elk River WDR incorporates TMDL hillslope targets and load allocation and includes the following components:

- Measures to Prevent Sediment Discharge;
  - Forest Management
  - Riparian Zone Protection
  - Road Management
  - Landslide Prevention
  - Wet Weather Restrictions
  - Limited Harvesting in High Risk Subwatersheds
- Inventory and Treatment of Existing Controllable Sediment Sources;
- Watershed Restoration Efforts; and
- Monitoring and Reporting Program.

## DISCUSSION:

Section I.J of the Elk River WDR states, "HRC may propose and submit for approval by the Regional Water Board, alternative measures that can be demonstrated to provide beneficial uses protection and nuisance abatement that is equal or better than that provided by these specific requirements." HRC has submitted alternative measures for Riparian Zone Protection and Wet Weather Requirements as discussed below.

Proposed Order R1-2026-0015 would replace Order No. R1-2019-0021 to incorporate alternative methods of compliance with specific aspects of riparian zone protections and wet weather requirements that HRC proposed pursuant to section I.J of the Order and to update outdated provisions of the 2019 Order. In addition, the Monitoring and Reporting Program has been moved from Section IV of the Order to Attachment C.

As lead agency under the California Environmental Quality Act (CEQA), the Regional Water Board prepared an addendum to the subsequent mitigated negative declaration (SCH No. 2015122010, adopted on June 19, 2019) for this Order. The addendum was circulated for public review with the Order (Attachment G) and the addendum reflects the Regional Water Board's determination that none of the conditions that would require the preparation of a subsequent negative declaration or environmental impact report exist.

### Riparian Zone Protection

The TMDL Action Plan defines riparian indicators within 300 feet of Class I and II watercourses and 150 feet of Class III watercourses and within those zones defined the target as; *Improvement in the quality/health of the riparian stand so as to promote: 1) delivery of wood to channels, 2) slope stability, and 3) ground cover.*

Two additional targets associated with channels and riparian zones are included: *4) No increase in the existing drainage network through headward incision in low order channels; and 5) decreasing length of channel with actively eroding banks.*

Order No. R1-2019-0021 established requirements for canopy retention intended to implement narrative TMDL hillslope targets as follows:

*HRC implements RMZ prescriptions derived from their watershed analysis, which provide a level of protection, but do not extend as far upslope as indicated by the TMDL targets. Therefore, the WDR established HRC's RMZs as requirements and adds an additional zone with tree retention requirements upslope to the distance defined by the TMDL riparian zone indicators, which is 300 feet on Class I and II watercourses and 150 feet on Class III watercourses, or to the hydrologic divide. These buffers are referred to in the Order as TMDL RMZs, in which HRC must retain a minimum of 50% post-harvest overstory canopy cover. 50% post-harvest overstory canopy is generally equivalent to stand conditions following harvesting under selection silviculture, which must retain a minimum of 75 square feet of basal area per acre and is considered to be sufficient to meet the TMDL targets associated with riparian zones and stream channels.*

HRC proposed to be allowed to utilize, “Restorative silvicultural methods including but not limited to Variable Retention, Rehabilitation of Understocked Areas, and Sanitation Salvage on slopes less than 40% between 150 and 300 feet of Class I and II watercourses and 100 and 150 feet of a Class III to address timber stand conditions impacted by disease, animal, or mechanical damage or less desirable species including grand fir, alder, and tanoak. “

The three “restorative” silvicultural methods, *Variable Retention, Rehabilitation of Understocked Areas, and Sanitation Salvage*, are defined in section 913.3 of the California Forests Practice Rules and have lower tree retention requirements than selection, as summarized below:

Variable Retention - Variable retention is an approach to harvesting based on the retention of structural elements or biological legacies (trees, snags, logs, etc.) from the pre-harvest stand for integration into the post-harvest stand to achieve various ecological, social and geomorphic objectives. As the name implies, post harvest retention varies.

Rehabilitation of Understocked Area – Rehabilitation is a procedure for restoring and enhancing the productivity of commercial Timberlands which do not meet the Stocking Standards. To facilitate restocking, a regeneration Plan must be included in the THP. The regeneration plan shall include Site Preparation, method of regeneration, and other information appropriate to evaluate the plan.

Sanitation Salvage - the removal of insect attacked or diseased trees in order to maintain or improve the health of the stand. Salvage is the removal of only those trees which are dead, dying, or deteriorating, because of damage from fire, wind, insects, disease, flood, or other injurious agent. The RPF shall estimate in the THP the expected level of stocking to be retained upon completion of Timber Operations.

In addition, HRC has requested a change to the R1-2019-0021 prohibition of group openings on slopes over 30% between 150 and 300 feet of a Class I or II watercourse to 40% slopes, and to allow for group openings between 100 and 150 feet of a Class III watercourse on slopes less than 40%.

#### Wet Weather Requirements

Proposed Revisions to the wet weather requirements of R1-2019-0021 are shown below in underline-strikethrough:

##### A. Wet Weather Requirements

1. From October 15<sup>th</sup> to May 1, the following wet weather requirements apply:
  - a. Hauling shall be limited to permanent rocked all-season roads that meet the HRC’s Habitat Conservation Plan (HCP) storm-proofed standard;

- b. Hauling shall cease for a period of 48 hours following a precipitation event that results in 0.25 inches<sup>1</sup> or more of rainfall within any 24-hour period.
  - c. For the period between October 15 and May 1, HRC shall notify the Regional Water Board or its designee within 24 hours when hauling ceases due to precipitation that results in 0.25 inches or more of rainfall within a 24-hour period. HRC shall also notify the Regional Water Board within 24 hours of the resumption of hauling.
2. Road construction or reconstruction is prohibited from October 15 to May 1 except in response to failure of a road segment or watercourse crossing that is resulting in ongoing or imminent sediment discharge, or during extended dry periods prior to November 15<sup>th</sup>. ~~Road construction or reconstruction may continue after October 15 during an extended dry period with the written approval of the Executive Officer.~~
3. Site specific erosion control measures shall be applied to newly constructed or reconstructed roads prior to any day for which a chance of rain, 30 percent or greater, is forecast by the National Weather Service from September 15 to May 1. ~~From September 15 to October 15, erosion control BMPs shall be on-site and ready to deploy prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service. During this period, erosion control stabilization measures shall be applied to the entire length of new road construction prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service.~~
4. From October 15 to May 1, timber falling, and cable yarding are permitted. Ground-based yarding and mechanical site preparation are prohibited from October 15 to May 1 except during extended dry periods from October 15 to November 15. ~~Ground-based yarding and mechanical site preparation may continue after October 15 during an extended dry period with the written approval of the Regional Water Board Executive Officer.~~
5. Road construction, reconstruction, ground based yarding, or mechanical site preparation conducted after October 15 during an extended dry period shall cease ~~until May 1 of the following year~~ when a 30 percent or greater chance of 0.25 or more inches of rain is forecast by the National Weather Service for the following day ~~or after a cumulative rainfall total of 4 inches has fallen after September 15.~~

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<sup>1</sup> Rainfall totals and forecasts shall be derived from Humboldt Redwood Company's Horseshoe gauge on the divide between the Elk River and Freshwater Creek.

6. Additional wet weather operations shall be consistent with the ROWD and HCP wet weather prescriptions.
7. Extended Dry Periods are defined as periods during which saturated soil conditions threatening water quality do not exist. Indicators of saturated soil conditions threatening water quality include (1) areas of ponded water, (2) pumping of fines from the soil or road surfacing material during timber operations, (3) creation of ruts and/or wet slurry, and/or (4) inadequate traction without blading wet soil or surfacing materials, located within 150 feet of a watercourse.

### Public Comment

Proposed Order R1-2026-0015 was made available for public comment from March 2, 2026 to April 1, 2026. One comment letter was received, asking for the definition of extended dry period, which is included the Order as section I.F.7 (see above).

### Conclusion

Regional Water Board staff have evaluated the proposed alternative prescriptions and have determined that they will not result in a decrease in water quality protection and that proposed Order No. R1-2026-0015 will fully implement the Elk River Sediment TMDL Action Plan.

### **RECOMMENDATION:**

Adopt Order No. R1-2026-0015 as proposed

### **SUPPORTING DOCUMENTS:**

1. Proposed Order No. R1-2026-0015\*
2. Attachment C – Monitoring and Reporting Plan
3. Attachment G – CEQA Addendum
4. Public Notice
5. Public Comment and Regional Water Board response

\*All attachments to the Proposed Order are available upon request.