

California Environmental Quality Act (CEQA)

Addendum to the  
Subsequent Mitigated Negative Declaration (SCH No. 2015122010)

for

Waste Discharge Requirements for Humboldt Redwood Company, Elk River

Considered at May 7-8, 2026, North Coast Regional Water Quality Control Board Meeting

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## A. Introduction

The North Coast Regional Water Quality Control Board (Regional Water Board) has prepared this addendum pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code, section 21000 et seq.) and California Code of Regulations, title 14 section 15164, as lead agency under CEQA for 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* (2026 HRC Order). The proposed 2026 HRC Order regulates Humboldt Redwood Company's timber operations and associated land activities in the Upper Elk River watershed and requires compliance with specific criteria and conditions to evaluate and protect water quality.

In 2016, the Regional Water Board prepared an Initial Study and adopted a Mitigated Negative Declaration for Order No. R1-2016-0004, *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* (2016 HRC Order). The Board evaluated environmental impacts associated with the Order, and concluded that with mitigation, the project, (the Board's adoption of the Order) would not result in significant adverse environmental impacts. In 2019, the Regional 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 in the Upper Elk River Watershed* (2019 HRC Order). In support of the 2019 HRC Order, the Board prepared a subsequent Initial Study to evaluate impacts associated with proposed revisions to the 2016 HRC Order. Based on its review of the Initial Study and evidence in the record, the Board adopted a subsequent Mitigated Negative Declaration concluding that the 2019 HRC Order, with mitigation, would similarly not result in significant adverse environmental impacts.

The proposed 2026 HRC Order includes minor modifications to the 2019 HRC Order, which are detailed below. This addendum prepared pursuant to CEQA Guidelines<sup>1</sup> section 15164, details how the proposed 2026 HRC Order differs from the 2019 HRC Order.

The Board has reviewed the information submitted to support the proposed revisions and the environmental documentation prepared for 2019 and 2016 HRC Orders and determines that the previous environmental documents are sufficient for the Regional Water Board's consideration of the proposed 2026 HRC Order. None of the conditions under California Code of Regulations, title 14, section 15162, subdivision (a), exist that would require the Regional Water Board to prepare a subsequent or supplemental environmental document for the proposed 2026 HRC Order. The Board has prepared

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<sup>1</sup> The CEQA Guidelines are found in California Code of Regulations, title 14, sections 15000-15387.

this CEQA addendum consistent with the CEQA Guidelines to describe the limited changes in the proposed 2026 HRC Order and its findings that additional environmental documentation associated with the proposed 2026 HRC Order is not required.

## **B. Minor Modifications to the HRC Order**

In addition to revised findings to reflect outdated and no longer applicable requirements, minor reorganization, and edits to improve clarity, the additional minor modifications contained in the proposed 2026 HRC Order are summarized as follows:

### **1. The Proposed Order Will Allow Some Group Selection Harvesting and Restoration Harvesting**

- a. The proposed 2026 HRC Order continues the requirement that HRC must retain a minimum of 50 percent post-harvest forest overstory canopy cover within 300 feet of Class I and II watercourses and 150 feet from Class III watercourses, or to the first hydrologic divide. The proposed 2026 HRC Order provides exceptions to this requirement for group selection openings as defined in California Code of Regulations, title 14, section 913.2, up to 2.5 acres on slopes less than 40 percent between 150 and 300 feet of Class I and II watercourses, and 100 and 150 feet of Class III watercourses.

Additionally, the proposed 2026 HRC Order provides for an exception to the requirement for restorative silvicultural methods, which are limited to variable retention, rehabilitation of understocked areas, and sanitation salvage (as defined in California Code of Regulations, title 14, section 913) on slopes less than 40 percent between 150 and 300 feet of Class I and II watercourses, and 100 and 150 feet of Class III watercourses. This exception may be used to address timber stand conditions impacted by disease, animal, or mechanical damage, or less desirable species including grand fir, alder, and tanoak.

### **2. Proposed Order Will Modify Wet Weather Operations Schedule.**

- a. The 2019 HRC Order includes requirements that apply to operations during the wet weather season. The Order prohibits road construction or reconstruction from October 15 to May 1, except in response to a road failure or watercourse crossing that leads to sediment discharges. The prohibition applies from October 15- May 1, however, it allows approval of construction or reconstruction during extended dry periods. The proposed 2026 HRC Order continues this prohibition period, however it only allows an extended dry period exception up to November 15<sup>th</sup>.
- b. The 2019 HRC Order requires road construction erosion control BMPs to be on site and employed from September 15 to October 15 prior to any day with a 30 percent chance of rain forecast. The proposed 2026 HRC Order clarifies the language and applies the requirement from September 15 to May 1.

- c. The 2019 HRC Order prohibits ground-based yarding and mechanical site preparation from October 15 to May 1, however, it allows these practices after October 15 during extended dry periods. The proposed 2026 HRC Order continues the same prohibition period, however, it only allows an extended dry period exception up to November 15.
- d. The 2019 HRC Order states that road construction, ground-based yarding, or mechanical site preparation conducted after October 15 during an extended dry period must cease when a 30 percent chance of rain of 0.25 or more inches is forecast, or after a cumulative total of 4 inches has fallen after September 15. The proposed 2026 HRC Order simplifies the requirement to match the other changes to extended dry period activities.

### **3. The Order Provides Definitions and Updated Data Gathering Requirements**

- a. The proposed 2026 HRC Order additionally provides a definition of “extended dry periods” and designates an updated rainfall total and forecast gauge that applies to wet weather requirements. The substitute rainfall gauge included in the proposed 2026 HRC Order was selected to provide more relevant data to support the requirements in the Order.

### **C. Regional Water Board’s CEQA Obligations as Lead Agency for Proposed Order**

In general, CEQA applies whenever a public agency proposes to carry out or approve a discretionary project. (Pub. Res. Code, § 21080, subd. (a).) The Regional Water Board complied with CEQA when it adopted the initial study and subsequent mitigated negative declaration in support of the 2019 HRC Order. That determination is final and not subject to review. The consideration of the minor amendments contained in the proposed 2026 HRC Order is a new discretionary approval. Where a public agency must make a further discretionary decision to carry out or approve a project for which it has previously issued an approval, it must determine whether to rely on the existing environmental document for the project or prepare a subsequent or supplemental negative declaration or environmental impact report.<sup>2</sup> CEQA and the CEQA Guidelines are clear that no further documentation is required except when one of the following triggering conditions exist:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or

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<sup>2</sup> Nothing in this addendum precludes the Regional Water Board from also determining a CEQA categorical exemption could apply to the amendments included in the proposed 2026 HRC Order.

negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(Cal. Code Regs., tit. 14, § 15162, subd. (a).)

“These limitations are designed to balance CEQA’s central purpose of promoting consideration of the environmental consequences of public decisions with interests in finality and efficiency.” (*Friends of San Mateo v. San Mateo County Community College Dist.* (Cal. 2016) 1 Cal. 5th 937, 949.) “[N]egative declarations, no less than EIRs, are entitled to a presumption of finality once adopted.” (*Id.*, at 956.) CEQA confirms the finality of previously prepared environmental documents, and subsequent or supplemental environmental review shall not be required unless events occur that justify completion of additional review. (Pub. Res. Code § 21166)

If some minor changes or additions are necessary but none of the conditions described in CEQA Guidelines section 15162, subdivision (a), exist, an agency may prepare an addendum to a negative declaration. (Cal. Code Regs., tit. 14, § 15164, subd. (b).) The agency may use an addendum to evaluate project changes, changes in circumstances, or new information and explain the decision not to prepare a subsequent or supplemental document. (*Id.*, § 15164, subd. (e).) The purpose of this addendum is to document the Regional Water Board’s determination that none of the conditions that would require additional CEQA analysis exists.

## **D. Consideration of CEQA Guidelines Section 15162 (a) Conditions**

### **1. CEQA Guidelines, section 15162, subdivision (a)(1), conditions do not exist.**

No substantial changes to the 2019 HRC Order are proposed that require major revisions to the environmental documentation due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (Cal. Code Regs., tit. 14, § 15162(a)(1).)

The previous environmental documentation concluded that, with mitigation, the 2019 HRC Order would not have a significant effect on the environment. The 2019 HRC Order and proposed 2026 HRC Order do not substantially differ. The minor changes to allow restorative harvesting and limited group selection openings in accordance with the Forest Practice Rules (Cal. Code Regs., tit. 14, Chapters 4,4.5,10.) are not substantial changes to the project that are expected to result in any new environmental impacts not previously analyzed and discussed in the prior environmental documentation. The proposed 2026 HRC Order retains all necessary mitigation measures and project conditions to minimize impacts. The proposed 2026 HRC Order continues to require compliance with all applicable laws and prohibitions referenced in the 2019 HRC Order.

Further, no additional mitigation measures are required to reduce the severity of any environmental impact and the monitoring and reporting conditions included with the proposed 2026 HRC Order are designed to assess the effectiveness of the order conditions and any resulting environmental impacts. With or without the changes included in the proposed 2026 HRC Order, if monitoring, reporting and other feedback mechanisms indicate that additional significant impacts may occur that are not addressed by order conditions, the Board may reopen the order to require additional conditions and/or monitoring and reporting.

The Regional Water Board determines that the minor changes within the proposed HRC Order do not necessitate subsequent or supplemental environmental review under CEQA Guidelines section 15162 subdivision (a) (1)

### **2. CEQA Guidelines, section 15162, subdivision (a)(2), and subdivision (a)(3), conditions do not exist.**

No substantial changes have occurred with respect to the circumstances under which the proposed 2026 HRC Order would be undertaken that require major revisions to the existing environmental documentation due to significant new environmental effects or a substantial increase in the severity of previously identified significant effects. (Cal. Code Regs., tit. 14, § 15162(a)(2).) Additionally, no new information has become available that was not known and could not have been known at the time the existing environmental documentation was adopted that shows the project would do any of the following:

- Have new significant environmental effects;
- Substantially increase the severity of previously identified significant effects (the

Subsequent MND concluded that the Categorical Waiver would not cause any significant effect on the environment) ;

- Show that mitigation measures or alternatives previously found to not be feasible are in fact feasible; or
- Show that mitigation measures or alternatives not previously adopted would, if adopted, substantially reduce one or more significant effects.

(Cal. Code Regs., tit. 14, § 15162(a)(3).)

Accordingly, given the lack of changed circumstances or new information in the record that shows the changes included in the proposed 2026 HRC Order will lead to any of the conditions described above, the Regional Water Board determines subsequent or supplemental environmental review is not required under CEQA Guidelines section 15162 (a)(2) or (a)(3).

## **E. Conclusion**

None of the CEQA Guidelines section 15162, subdivision (a) conditions exist that would require subsequent or supplemental environmental review. The Regional Water Board has reviewed all appropriate supporting evidence in the record to support this determination and the findings contained in this addendum.