

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2011-0066**

**ADOPTION OF A PROPOSED MITIGATED NEGATIVE DECLARATION
SUPPORTING A STATEWIDE WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
NONPOINT SOURCE DISCHARGES RELATED TO CERTAIN ACTIVITIES ON
NATIONAL FOREST SYSTEM LANDS IN CALIFORNIA**

WHEREAS:

1. California Water Code section 13260(a) requires that any person discharging waste or proposing to discharge waste, other than to a community sewer system, that could affect the waters of the State, shall file a report of waste discharge (ROWD) with the appropriate Regional Water Quality Control Board (Regional Water Board). Water Code section 13263(a) requires a Regional Water Board to prescribe waste discharge requirements (WDRs) as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge.
2. Water Code section 13269 provides that the State Water Board or a Regional Water Board may waive the requirement for filing a ROWD and issuance of WDRs for a specific discharge or specific type of discharge, if the Board determines that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. The waiver must be conditional and may be terminated at any time by the Board.
3. The State Water Board's 2004 Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program sets out that nonpoint source discharges will be regulated through WDRs, through waivers of WDRs, or through Basin Plan prohibitions.
4. The discharge of wastes from nonpoint source activities on National Forest System lands is considered to be a discharge that could affect the quality of waters of the State.
5. The State Water Board is proposing to adopt a Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California (Statewide Waiver). A range of activities causing nonpoint source discharges on National Forest System lands are eligible for coverage under the Statewide Waiver if they meet the conditions of the Waiver. These activities fall under the broad categories of timber management, road management, range management, recreation, including off-highway vehicle recreation, vegetation manipulation, watershed restoration, and fire suppression and fuels management.
6. The adoption of the Statewide Waiver is a project under the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.). The State Water Board is the lead agency for this project.
7. The State Water Board has conducted an Initial Study in accordance with California Code of Regulations, title 14 (CEQA Guidelines), section 15063, and prepared a Mitigated Negative Declaration (MND) in accordance with CEQA Guidelines, section 15070 et seq.

8. In compliance with the requirements of CEQA Guidelines, section 15072, the State Water Board staff provided a notice of intent to adopt a MND on June 10, 2011. Notice was provided to state agencies through the State Clearinghouse, and through e-mail and direct mail to all known interested parties. The draft MND was also noticed in newspapers of general circulation within the State.
9. Written comments on the Initial Study and MND were received through August 24, 2011, and the State Water Board has considered all written comments. The State Water Board additionally received and considered oral comments on the Initial Study and MND at a Board workshop on September 20, 2011, and at the adoption meeting on December 6, 2011.
10. The MND reflects the State Water Board's independent judgment and analysis. After considering the document and comments received during the public review process, the State Water Board has determined that, based on the whole record, there is no substantial evidence that the project, with mitigation measures, will have a significant effect on the environment. Mitigation measures necessary to reduce potential significant environmental impacts to less than significance have been incorporated as conditions of the Statewide Waiver.
11. The Initial Study and MND, as well as all supporting documentation and other material, which constitute the record of the proceedings on which the State Water Board's determination is based, are located at the State Water Board's offices at 1001 I Street, 15th Floor, Sacramento, CA 95814. The custodian of the record is Steve Fagundes.
12. A program for mitigation monitoring and reporting consistent with CEQA Guidelines, section 15074(d), has been incorporated into the Monitoring and Reporting Program (Attachment C) of the Statewide Waiver.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Hereby adopts the [Mitigated Negative Declaration](#).
2. Directs staff to file a Notice of Determination with the Office of Planning and Research in accordance with CEQA Guidelines, section 15075.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 6, 2011.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber

NAY: None

ABSENT: None

ABSTAIN: Board Member Tam M. Doduc



 Jeanine Townsend
 Clerk to the Board