

California Regional Water Quality Control Board
North Coast Region

[Draft] Order No. R1-2024-0001

General Waste Discharge Requirements
for
Discharges Related to Specific Types of Forest Management Activities
On Non-Federal Lands in the
North Coast Region

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds the following:

1. California Water Code section 13260, subdivision (a), requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional board a Report of Waste Discharge (ROWD) containing such information and data as may be required.
2. Under Water Code section 13263, the Regional Water Board shall, unless waived, prescribe requirements as to the nature of any proposed or existing discharge with relation to the receiving water conditions. Requirements shall implement any relevant Water Quality Control Plan requirements and take into consideration beneficial uses and objectives reasonably required to protect such uses, and other relevant factors.
3. On May 8, 2014, the Regional Water Board adopted 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 (Conditional Waiver). The Conditional Waiver was renewed in 2019, Order No. R1-2019-0008, and intended to remain in effect until adoption of a revised waiver of waste discharge requirements.
4. This Order applies to specific categories of forest management activities previously covered under the Conditional. This Order establishes general and specific requirements and eligibility criteria for each category, carrying forward many of the provisions of the Conditional Waiver. Implementation and compliance with the general and specific requirements ensure compliance with Basin Plan requirements and reduce the likelihood that forest management projects pose a significant threat to water quality.
5. Under Water Code section 13263, subdivision (i), the State Water Board or a regional water quality control board may prescribe general waste discharge requirements for a category of discharges if the State Water Board or that regional water board finds or determines that all of the following criteria apply to the discharges in that category:
 - i. The discharges are produced by the same or similar operations;
 - ii. The discharges involve the same or similar types of waste;
 - iii. The discharges require the same or similar treatment standards; and
 - iv. The discharges are more appropriately regulated under general

discharge requirements than individual discharge requirements.

6. The Regional Water Board believes it is appropriate to regulate discharges from forest management activities on non-federal lands under a general order rather than individual discharge requirements because this Order addresses the same or similar discharges of waste from the same or similar operations and proposes the same or similar treatment methods and management practices. By regulating these discharges and activities under a general order, it simplifies and streamlines the regulatory process and allows Regional Water Board staff to focus its limited resources on working with Responsible Parties within the North Coast Region to protect water quality.
7. Pursuant to Water Code section 13267, subdivision (b)(1), the Regional Water Board may require any person who has discharged, discharges, proposes to discharge, or is suspected of having discharged or discharging waste that could affect the quality of the waters of the state to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained therefrom.
8. Reporting required under this Order is necessary to evaluate compliance with the conditions of this Order and ensure applicable water quality requirements are being met. In particular, monitoring inspection reporting, submitted to the Board upon request, is designed to verify implementation and effectiveness of management practices, identify necessary feasible corrective measures, and record implementation thereof. The burdens of this reporting bears a reasonable relationship to the need for these reports and the benefits to be gained therefrom.
9. The following waste discharge prohibitions from the North Coast Region Basin Plan pertain to timber harvest activities, including logging, road construction, and associated activities in the North Coast Region:
 - Prohibition 1: The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.
 - Prohibition 2: The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses is prohibited.

10. Pursuant to the Basin Plan, and State Water Resources Control Board (State Water Board) Resolution No. 88-63, "Sources of Drinking Water", the existing and potential beneficial uses of waters potentially affected by the proposed activity include:
- a. Municipal and Domestic Supply (MUN)
 - b. Agricultural Supply (AGR)
 - c. Industrial Service Supply (IND)
 - d. Industrial Process Supply (PROC)
 - e. Groundwater Recharge (GWR)
 - f. Freshwater Replenishment (FRSH)
 - g. Navigation (NAV)
 - h. Hydropower Generation (POW)
 - i. Water Contact Recreation (REC-1)
 - j. Non-contact Water Recreation (REC-2)
 - k. Commercial and Sport Fishing (COMM)
 - l. Cold Freshwater Habitat (COLD)
 - m. Warm Freshwater Habitat (WARM)
 - n. Wildlife habitat (WILD)
 - o. Preservation of Areas of Special Biological Significance (BIOL)
 - p. Rare, Threatened, or Endangered Species (RARE)
 - q. Marine Habitat (MAR)
 - r. Migration of Aquatic Organisms (MIGR)
 - s. Spawning, Reproduction, and/or Early Development (SPWN)
 - t. Shellfish Harvesting (SHELL)
 - u. Estuarine Habitat (EST)
 - v. Aquaculture (AQUA)
 - w. Native American Culture (CUL)
 - x. Flood Peak Attenuation/Flood Water Storage (FLD)
 - y. Wetland Habitat (WET)
 - z. Water Quality Enhancement (WQE)
 - aa. Subsistence Fishing (FISH)

The Basin Plan contains water quality objectives developed to protect the above-listed beneficial uses of water. Economic considerations were evaluated as required by law during the development of these objectives. Prohibitions, provisions, and specifications contained in this Order implement these previously developed water quality standards, which consist of the beneficial uses enumerated above and the water quality objectives.

11. Beneficial uses associated with anadromous salmonids listed as threatened or endangered under the Federal Endangered Species Act or the California Endangered Species Act, including COLD, RARE, MIGR, and SPWN are considered to be among the most sensitive in the North Coast Region. Degradation of freshwater habitat in waterbodies throughout the North Coast Region due to excess sediment discharge, loss of riparian shade, and stream clearing efforts that removed large wood from streams are significant factors that have contributed to declines in populations of several species of anadromous salmonids during the past half century. Many of these adverse impacts were the result of unregulated timber harvesting and associated activities prior to passage and implementation of the Forest Practice Rules in the mid-1970s.

Forest Practice Rules and Regulation of Timber Operations

12. Rules regulating timber operations and current standard management practices have changed significantly since implementation of the Z'berg-Nejedly Forest Practice Act and promulgation of the Forest Practice Rules (FPRs) in 1974.

However, due to the fundamental nature of the interaction between harvesting trees and transporting logs and physical processes in steep and remote watersheds of the North Coast Region, the potential remains for timber operations to result in discharge of sediment in quantities deleterious to watercourses and increases in water temperature from reductions in forest canopy that provides shade to streams.

13. In 1988, a Memorandum of Understanding between the State Water Resources Control Board (State Water Board), the Board of Forestry and Fire Protection (the Board) and the Department of Forestry and Fire Protection (CAL FIRE) designated the Board and CAL FIRE as joint Water Quality Management Agencies (WQMA) for timber operations on non-Federal lands pursuant to section 208 of the Federal Clean Water Act.
14. CAL FIRE is the state agency responsible for overseeing timber harvest activities through implementation of the FPRs. The FPRs include rules for protection of the beneficial uses of water, such as measures designed to prevent sediment discharge and limit reductions in riparian shade to protect water temperature, as well as enhanced protection in watersheds with listed anadromous salmonids. The Regional Water Board's regulatory program for timber operations on non-Federal lands relies to the extent practicable upon the water quality protection provided by the FPRs. One of the stated goals of the FPRs is to implement the Forest Practice Act (Pub. Resources Code §§ 4511 et seq.) in a manner consistent with the Porter-Cologne Water Quality Act (Wat. Code §§ 13000 et seq.). (FPR §896.) Regional Water Board staff continue to work with the BOF, the government body charged with developing and revising the FPRs, as well as CAL FIRE, timberland owners, and other stakeholders, to identify ways to improve rules for protection of the beneficial uses of water.
15. Most water bodies in the North Coast Region are listed as impaired due to excess sediment or elevated water temperature. Pursuant to the State Water Board's Water Quality Policy for Addressing Impaired Waters (Resolution 2005-0050), one mechanism to address impaired water bodies is to develop a total maximum daily load (TMDL) for each pollutant of concern. TMDLs quantify the natural and anthropogenic sources causing impairment, assess the loading capacity of the watershed, and allocate the amount of a pollutant that can be discharged in a specific watershed without impairing beneficial uses of water. The majority of TMDLs on the North Coast, as well as numerous other studies, have found logging roads, particularly poorly constructed roads and watercourse crossings, to be one of the primary sources of excess sediment discharge and alteration in watershed hydrologic regimes associated with impairment of beneficial uses.
16. In 2004, the Regional Water Board adopted a Sediment TMDL Implementation Policy (Resolution R1-2004-0087), which states that Regional Water Board staff shall control sediment pollution by using existing permitting and enforcement tools. The goals of the Policy are to control sediment waste discharges to impaired water bodies so that the TMDLs are met, sediment water quality objectives are attained, and beneficial uses are no longer impaired by sediment.

17. In January 2012, the Regional Water Board also adopted Resolution R1-2012-0013, Policy Statement for Implementation of the Water Quality Objective for Temperature in the North Coast Region (Policy Statement). In March 2014, the Regional Water Board adopted a basin plan amendment to incorporate the approach articulated in the Policy Statement. The approach encourages combining TMDL requirements with region-wide nonpoint source programs for efficiency and to avoid duplicative regulation. Often, the same management measures can address nonpoint source water quality concerns regardless of whether the waterbody is impaired. Sediment conditions interact with water in many ways that can affect water temperatures. Therefore, practices implemented to prevent and minimize elevated sediment discharges may also help control elevated water temperatures. The FPRs provide water quality protection measures that can contribute to implementation of sediment and temperature TMDLs where applicable.

Project Categories

18. This Order sets out general and specific requirements for Responsible Parties to obtain coverage for specific categories of forest management projects conducted on non-federal lands in the North Coast Region. There are five (5) separate categories of Projects as described in Findings 18 through 22, below. Each category has a set of eligibility criteria and specific requirements. The first step in seeking coverage under this Order is to determine if a given Project meets the eligibility criteria for one of five categories. For Projects that meet the eligibility criteria for a given category, the Responsible Party must comply with all the specific conditions detailed in this Order, as well as the general conditions necessary to obtain and maintain coverage under all applicable categories, starting with submittal of application documents described in Section III for Categories C, D, and E.

Category A: Exemptions and Emergency Notices

19. Exemptions - FPR section 1038 exempts the following timber operations from THP preparation and submission requirements:

- a. Harvesting Christmas trees
- b. Harvesting dead, dying or diseased trees in amounts less than 10 percent (%) of the average volume per acre
- c. The cutting or removal of trees within 150 up to 300 feet from any point of an Approved and Legally Permitted Structure that complies with the California Building Standards Code may be harvested, which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration and intensity.
- d. Harvesting dead trees that are unmerchantable from substantially damaged timberlands.

- e. The cutting or removal of trees to restore and conserve California black (*Quercus kelloggii*) or Oregon white (*Quercus garryana*) oak woodlands and associated grasslands.
- f. The cutting or removal of trees that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break. This exemption is limited to small forest Responsible Parties who own:
 - i. Sixty (60) acres or less of timberland within a single Planning Watershed (CALWATER 2.2) within the Coast Forest District, or;
 - ii. One-hundred (100) acres or less of Timberland within a single Planning Watershed (CALWATER 2.2) within the Northern or Southern Forest Districts.
- g. Harvesting trees which are dead or Dying Trees as a result of wildfire within three-hundred (300) feet from any point of an Approved and Legally Permitted Structure or an Approved and Legally Permitted Structure that was damaged or destroyed by wildfire.
- h. The cutting or removal of trees, pursuant to FPR section 1038.3. This exemption is limited to those trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials to reduce fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns on timberlands that are within the most recent version of the Department's Fire Hazard Severity Zone Map, which can be found on the Department's website: <https://www.fire.ca.gov/>, that shows the exemption will occur in areas determined to be moderate, high and very high fire threat areas. The Harvest Area shall not exceed three-hundred (300) acres.

Such exemptions include restrictions on use of heavy equipment on steep slopes, construction of roads and skid trails, timber operations on unstable areas and riparian areas, and winter period operations. These restrictions are expected to reduce the likelihood that such plans will pose a significant threat to water quality.

Emergency Notices - FPR section 1052 allows timberland owners to harvest trees under a Notice of Emergency Timber Operations when the conditions described below exist. FPR section 895.1 defines an "Emergency" as those conditions that will cause waste or loss of timber resources to the Timber Owner that may be minimized by immediate harvesting of infected, infested or damaged timber or salvaging down timber; or those conditions that will cause appreciable financial loss to the Timber Owner that may be minimized by immediate harvesting of timber. The following are conditions that constitute an emergency pursuant to 14 CCR 895.1:

- a. Trees that are dead or dying as a result of insects, disease, parasites, or animal damage.
- b. Trees that are fallen, damaged, dead or dying as a result of wind, snow, freezing weather, drought, fire, flood, landslide or earthquake.
- c. Trees that are dead or dying as a result of air or water pollution.
- d. Cutting or removing trees required for emergency construction or repair of roads.
- e. Where high, very high or extreme fuel hazard conditions, the combination of combustible fuel quantity, type, condition, configuration and terrain positioning, pose a significant fire threat on private timberlands.
- f. An isolated infestation of Sudden Oak Death, in the locations listed in FPR section 1052.1.a.6, where such treatments are intended to eradicate the infestation or significantly slow the spread of the disease.

Operations conducted pursuant to an Emergency Notice must comply with all applicable FPRs. In-lieu practices in riparian zones, exceptions to rules, and alternative practices are not allowed unless necessary to protect public health and safety. Due to the potential harm to public and private resources that could occur if emergency projects are not implemented in a timely manner, it is in the public interest to provide coverage for Emergency Timber Operations as a ministerial enrollment under this Order.

Category B: Conversion Exemptions

9. FPR section 1104.1 exempts three categories of timberland conversion from THP requirements, which when in compliance with all other Regional Water Board permitting requirements of the Regional Water Board and other permitting agencies, are not likely to pose a significant threat to water quality. Conversion exemptions under this category include the following:
 - A. Conversion of less than three acres in size in one contiguous ownership,
 - B. Construction or maintenance of right-of-way by a public agency on its own or other public property,
 - C. The clearing of trees from timberland by a private or public utility for construction of gas, water, sewer, oil, electric, and communications rights-of-way, and for maintenance and repair of the utility and right-of-way.

Category C: Sediment TMDL Action Plan Compliant Timber Harvest Plans

20. Owners and operators of THPs in watersheds with an approved Sediment TMDL Action Plan must comply with the requirements of those plans. Sediment TMDL

Action Plans are designed to restore the impaired beneficial uses of a polluted body of water. The TMDL process provides a quantitative assessment of water quality problems, contributing sources of pollution, and the pollutant load reductions or control actions needed to restore and protect the beneficial uses of an individual waterbody impaired from loading of a particular pollutant. THPs which the Executive Officer of the Regional Water Board has determined to be in compliance with an approved sediment TMDL Action Plan are eligible for enrollment under this Order.

Category D: Modified Timber Harvest Plans

21. Modified THPs, as defined by the Forest Practice Rules, are limited to timberland ownerships of 160 acres or less. The Forest Practice Rules for modified THPs include restrictions on intensive silvicultural prescriptions, heavy equipment on steep slopes, construction of roads and skid trails, timber operations on unstable areas and riparian areas, and winter period operations. These restrictions are expected to reduce the likelihood that such plans will pose a significant threat to water quality.

Category E: Other Forest Management Projects

22. Any other forest management Project that Regional Water Board staff have determined are in compliance with CEQA and implement management practices designed to protect water quality. Timber Harvesting Plans as described in 14CCR 1032 are not eligible for coverage under Category E.

Policy for Implementation and Enforcement of Nonpoint Source Pollution Control Program

23. In 2004, the State Water Board adopted the Policy for Implementation and Enforcement of Nonpoint Source Pollution Control Program¹ (Nonpoint Source Policy). The Nonpoint Source Policy requires nonpoint source discharges of waste to be regulated by waste discharge requirements, waivers of waste discharge requirements, or Basin Plan prohibitions to ensure compliance with regional water board water quality control plans.
24. This Order meets the requirements of the five key elements under the Nonpoint Source Policy:
 - a. **Key Element 1:** The Order explicitly states the purpose in Finding 4: “Implementation and compliance with the general and specific requirements are intended to ensure compliance with Basin Plan requirements and reduce the likelihood that forest management projects pose a significant threat to water quality.”

¹ The Nonpoint Source Policy:

https://www.waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_ie_policy.pdf.

- b. **Key Element 2:** Management practices included in the FPRs are expected to ensure compliance with Basin Plan requirements and reduce the likelihood that forest management projects pose a significant threat to water quality and are included as enforceable requirements of the Order by reference. Additionally, required monitoring inspections are intended to verify proper implementation of these practices.
- c. **Key Element 3:** Water quality requirements must be met during project implementation; thus, a specific time schedule is not applicable.
- d. **Key Element 4:** This Order includes sufficient feedback mechanisms to determine that applicable requirements are met and inform whether additional or different management practices or other actions are required. General Requirement #4 (Section I), requires Responsible Parties to conduct monitoring inspections of the project area to determine whether there is sediment delivery or potential sediment delivery is present, and where implementation of feasible corrective measures could reduce the potential for significant sediment discharge, such additional measures must be implemented when feasible. In addition, PRC 4589 requires annual state agency reporting on the trends in the use of, compliance with, and effectiveness of, the exemptions and emergency notices in meeting their objectives, including an analysis of whether exemptions are having the intended effect and recommendations to improve the use of those exemptions and emergency notices.
- e. **Key Element 5:** Failure to comply with any of the provisions of this Order can result in rescission or denial of coverage for the project. Additionally, unauthorized discharge of waste to waters of the state can result in enforcement under Water Code sections 13350, 13264, and other applicable law.

Other Regulatory Considerations

- 25. State Water Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintenance of High-Quality Waters in California") establishes that whenever the existing quality of water is better than the quality established in state policies, including the Basin Plan, such existing high quality water must be maintained to the maximum extent possible consistent with the maximum benefit to the people of the state. Any change to existing high-quality waters is allowed only if it has been demonstrated to the Regional Water Board that: 1) any change will be consistent with maximum benefit to the people of the state; 2) will not unreasonably affect present and anticipated beneficial uses of such water; and 3) will not result in water quality less than that prescribed in the Basin Plan. The policy further requires that Responsible Parties meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that pollution

or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the state will be maintained.

This Order is consistent with Resolution No. 68-16. It sets forth conditions and measures designed to prevent sediment discharge to waters of the state to the extent feasible. When implemented properly, these conditions and measures will result in a benefit to water quality. The activities permitted under this Order accommodate important economic and social considerations and have been determined to have a low potential impact to water quality when conducted pursuant to the terms of the Order. Compliance with this Order will lead to attainment of applicable water quality requirements and the reasonable protection of beneficial uses. The implementation of all cost-effective and reasonable management measures to prevent or minimize sediment discharge, and the monitoring of the effectiveness of the measures to identify and correct sites where such management measures are not functioning as intended, will result in the best practicable treatment or control of the discharge, will assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state is maintained.

26. In accordance with the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.)(CEQA), the adoption of this Order is a “project”, and the Regional Water Board is the lead agency responsible for approving the project. The Regional Water Board prepared an Initial Study and adopted a Negative Declaration for Order No. R1-2004-0016. The Regional Water Board prepared a supplemental Initial Study and adopted a Mitigated Negative Declaration (State Clearinghouse No. 2018012054) for Order No. R1-2009-0038, which revised Order No. R1-2004-0016. Both documents concluded that the action would not result in significant adverse environmental impacts. Compliance with this Order does not result in any significant physical changes in the environment, or imposition of mitigation measures considerably different from what was described and analyzed in the previous environmental documentation. The previous environmental documentation retains informational value, and no subsequent environmental review is necessary, consistent with California Code of Regulations (CCR), title 14, section 15162 et seq. The Regional Water Board has prepared an addendum pursuant to California Code of Regulations, title 14, section 15164 to detail minor changes and additions. The Regional Water Board will file a notice of determination in accordance with title 14, California Code of Regulations, section 15075 within five (5) days of the adoption of this Order.
27. Consistent with Water Code section 189.7, the Regional Water Board conducted outreach to potentially affected disadvantaged and Tribal communities and other interested persons through widespread circulation of the draft Order and notice of the opportunity to comment and participate at its public hearing. Regional Water Board staff do not anticipate that discharges of waste that are authorized through this Order will result in detrimental water quality impacts or have a disproportionate impact on water quality in disadvantaged communities or tribal communities. Additionally, this Order does not substantially differ from requirements of the previously adopted Conditional Waiver. (Wat. Code, section 13149.2.)

28. The Regional Water Board has reviewed the contents of this Order, public comments, and testimony provided after notice and hearing. This Order implements the Basin Plan and requires Responsible Parties to comply with applicable conditions and prohibitions contained therein.

THEREFORE, pursuant to Water Code section 13263 and 13267, the Regional Water Board hereby adopts Order No. R1-2024-0001 to establish general waste discharge requirements for discharges of waste from specific categories of timber harvest activities on non-federal lands in the North Coast Region. This Order supersedes Order No. R1-2014-0011 (as renewed by Order No. R1-2019-0008). Projects that were previously waived under Order No. R1-2011-0008 are now covered under this Order provided they meet the applicable General and Specific Conditions of Order No. R1-2014-0011.

IT IS HEREBY ORDERED that all Responsible Parties subject to this Order shall comply with the following:

SECTION I: General Requirements

1. The Responsible Party shall comply with all applicable requirements and prohibitions specified in the Basin Plan as modified, and policies adopted by the State Water Board.
2. The Responsible Party 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 to document compliance or non-compliance with this Order, consistent with Water Code section 13267, subdivision (c). If entry is unreasonably withheld, the Executive Officer may terminate the applicability of the Order pursuant to section IV.
3. The Responsible Party shall conduct timber operations and erosion control maintenance in compliance with the applicable FPRs. In addition, FPRs (including but not limited to, FPR sections 896, 898, 914 (934), 916 (936), 923 (943) and mitigation measures identified and required by CAL FIRE) that are intended to protect the beneficial uses of water shall constitute enforceable conditions under this Order.
4. All logging roads, including abandoned, deactivated, and appurtenant roads, landings, watercourse crossings and associated drainage structures used for timber operations shall be monitored as needed to comply with 14 CCR § 1050. Monitoring inspections shall be conducted, when access is feasible during the prescribed maintenance period, a sufficient number of times during the extended wet weather period, particularly after large winter storm events and at

least once annually, to evaluate the function of drainage facilities and structures.

Inspections shall include checking drainage facilities and structures for evidence of downcutting, plugging, overtopping, loss of function, and sediment delivery to Class I, II, or III Watercourses and lakes. If evidence of sediment delivery or potential sediment delivery is present, and the implementation of feasible corrective measures could reduce the potential for significant sediment discharge, such additional measures shall be implemented when feasible. The Responsible Party shall record the date of each inspection and any corrective measures that were implemented and shall provide that information to the Regional Water Board upon request.

5. The Responsible Party shall comply with all mitigation measures identified in any accompanying CEQA document designed to implement water quality standards. CEQA mitigation measures that are intended to protect water quality shall constitute enforceable conditions under this Order.
6. All amendments of plans approved or accepted by CAL FIRE shall conform to the Eligibility Criteria and Conditions set forth for the originally enrolled Project. Failure to do so is a violation of the Order and subjects the Responsible to enforcement action and/or termination of coverage for the project.
7. Responsible Parties who fail to obtain coverage under this Order or another applicable order will be subject to enforcement under Water Code sections 13350, 13264 and other applicable law if their Project results in an un-permitted discharge of waste.
8. As provided by Water Code section 13350 subdivision (a), any person may be liable for civil penalties if that person is in violation of a requirements of the Order, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance.
9. This Order shall not create a vested right, and all discharges covered by it shall be considered a privilege, not a right, as provided under Water Code section 13263.

SECTION II: Project Categories:

Category A: Emergency and Exemptions

Eligibility Criteria:

1. Projects that conform to the rules for Emergency Notice pursuant to FPRs (Cal. Code Regs., tit. 14, §1052) administered by CAL FIRE.

2. CAL FIRE has accepted the Responsible Party's Emergency Notice for the Project and either: a) the Regional Water Board has received a copy of the notice of acceptance from CAL FIRE; or b) 5 working days, or 15 days for a fuel hazard emergency, have passed since submission of the Emergency Notice to CAL FIRE and the Emergency Notice was not returned to the submitter.

Or,

Eligibility Criteria:

1. Projects that conform to the rules for Exemptions pursuant to FPRs (Cal. Code Regs., tit. 14, §1038) administered by CAL FIRE.
2. CAL FIRE has accepted the Notice of Exemption for the Project.

Category B: Conversion Exemptions (also known as less than 3-acre conversions)

Eligibility Criteria:

1. Projects that conform to the rules for Conversion exemptions pursuant to FPRs (Cal. Code Regs., tit. 14, §1104.1) administered by CAL FIRE.
2. The Responsible Party has submitted a Notice of Conversion exemption for the Project to CAL FIRE that has been accepted, and the Regional Water Board has received a copy of the Notice of Acceptance from CAL FIRE.

Specific Conditions:

1. Enrollment under this Order does not cover discharges to waters of the United States that may require additional permits from federal and state agencies. If road construction includes new or upgraded watercourse crossings for a development following conversion that impacts waters of the United States, the Responsible Party must apply for and receive a federal Clean Water Act section 404 dredge and fill permit from the US Army Corps of Engineers and accompanying Clean Water Act section 401 water quality certification from the Regional Water Board.
2. If the less than 3-acre conversion is or will be for the purpose of construction development (for residence or commercial purpose of any type), the Responsible Party must have submitted a Notice of Intent to comply with the Statewide construction stormwater permit and received an enrollment notice prior to commencement of construction activities. This includes grading and land clearing for any type of construction of 1 acre or greater.

Category C: Sediment TMDL Action Plan Compliant Timber Harvest PlansEligibility Criteria:

1. The project meets the definition of a THP pursuant to FPRs (Cal. Code Regs., tit. 14, §1032), and has been approved by CAL FIRE.
2. The Executive Officer has determined that the Project is in compliance and fully implements the provisions of an adopted Sediment TMDL Action Plan (e.g. Action Plan for the Garcia River Sediment TMDL). Upon request, the Responsible Party must be able to provide information that supports continued conformance with the approved Sediment TMDL Action Plan to qualify for coverage under Category C.

Specific Conditions: None

Category D: Modified Timber Harvest PlansEligibility Criteria:

1. The project meets the definition of a Modified Timber Harvest Plan pursuant to FPRs (Cal. Code Regs., tit. 14, §1051), and has been approved by CAL FIRE.

Specific Conditions: None

Category E: Other Forest Management ProjectsEligibility Criteria:

1. Any other forest management Project that Regional Water Board staff have determined is in compliance with CEQA and implements management practices designed to protect water quality. Timber Harvesting Plans as described in 14CCR 1032 are not eligible for coverage under Category E.

Note - Responsible Parties are encouraged to consult with Regional Water Board staff early on in project development to determine whether their project is likely to be eligible for coverage under Category E.

Specific Conditions:

1. The Responsible Party shall conduct a field evaluation of the project area to identify sites that are discharging, or threatening to discharge, sediment or adversely impact beneficial uses, are human caused, and can reasonably and feasibly be treated.

The Responsible Party shall submit to the Regional Water Board a list containing each site identified in the field evaluation of the project area and a brief description of proposed corrective action that can reasonably be expected to prevent or minimize sediment discharge for each site. The location of each site must be shown on project maps. The Responsible Party shall implement corrective action during the life of the project but not later than by project completion.

2. No log hauling, use of ground based equipment or construction or reconstruction of roads or watercourse crossings shall occur between November 15 and April 1, except during extended early winter dry periods with written concurrence by Regional Water Board staff. This does not include work necessary to apply or maintain erosion control or sediment control management practices to reduce sediment discharge.
3. No use of heavy equipment or log hauling shall occur during saturated soil conditions. This does not apply to maintenance of existing roads and watercourse crossings, use of nonmechanized timber falling, fuels treatment such as hand piling and burning, hand fire line construction, or other activities which do not involve the use of heavy equipment or timber hauling.
4. Prior to November 15 of each year project activities are conducted, roads used for project activities shall be hydrologically disconnected from watercourses to the extent feasible and practicable. Hydrologically disconnecting roads consists of minimizing alteration of natural drainage patterns and preventing concentrated storm runoff from discharging into watercourses. Road segments that cannot feasibly be hydrologically disconnected from watercourses shall be treated to prevent and minimize surface erosion. Treatment may include seeding and mulching, rocking, slash packing, or other effective methods proposed by the Responsible Party.

SECTION III: APPLICATION PROCEDURES AND ENROLLMENT REQUIREMENTS:

The first step in seeking coverage is to determine if a given Project meets one of the five categories. If the Project meets the eligibility criteria for a given category, the Responsible Party must comply with all the general and specific requirements, starting with submittal of the application documents, as required.

If a Project does not meet the eligibility criteria for one of the categories, the Responsible Party must seek coverage under general WDRs, individual WDRs, or watershed-wide WDRs.

1. No application is required for projects qualifying for coverage under the Category A: Emergency and Exemption Projects or Category B: Conversion Exemptions.

Such Projects must, however, meet the eligibility criteria and conditions, both general and specific, to obtain and maintain coverage under this Order.

2. To seek coverage for Projects under Categories C, D, or E set out in Section II, the Responsible Party must submit to the Regional Water Board an “Enrollment Form” (Attachment A) that:
 - a. Is signed by the Responsible Party or their designee proposing the project,
 - b. Identifies the type of category requested (Category C: Sediment TMDL Action Plan Compliant THPs; Category D: Modified Timber Harvest Plan Projects, or Category E: Other Forest Management Projects),
 - c. Acknowledges that the Responsible Party understands and intends to comply with all water quality requirements and the eligibility criteria and all general and specific conditions identified within the appropriate category.

A Responsible Party applying for coverage under Category C must additionally, upon request by the Regional Water Board, provide information that supports continued conformance with the approved Sediment TMDL Action Plan to qualify for coverage under Category C.

A Responsible Party applying for coverage under Category E must additionally submit the list of sediment sources and proposed corrective action described in Specific Requirement 1 to the Regional Water Board either with the Enrollment Form or prior to applying for coverage.

3. A Responsible Party applying for coverage under Categories C, D, or E may commence project activities upon receipt of written confirmation (e.g., email or other) from the Regional Water Board that the project is covered under the Order.
4. A Responsible Party who fails to obtain coverage under this Order or another applicable order will be subject to enforcement under Water Code sections 13350, 13264 and other applicable law if their Project results in an unauthorized discharge of waste to waters of the state.

SECTION IV: TERMINATION OF COVERAGE

1. The Executive Officer shall rescind or deny the applicability of this Order to any individual project or activity if the Executive Officer makes any of the following determinations:
 - a. The Project does not comply with the eligibility criteria for the Order;
 - b. The Project is not in compliance with the applicable requirements of the Order;

- c. The Project is reasonably likely to result or has resulted in a violation or exceedance of any water quality requirements;
 - d. The Project has varied in whole or in any part from the approved Project in any way that could adversely affect water quality;
 - e. Where conditions unique to the watershed or watershed segment (including, but not limited to, cumulative impacts, special hydrographic characteristics, Total Maximum Daily Load standards, the extent of timber harvest activities, intensity of ground disturbing activities, large acreage ownership holdings or management plans, rainfall, slopes, soil, effected domestic water supplies, an increased risk of flooding, or proximity to local, State, or National Parks) warrant further regulation;
 - f. Where past land use activities unique to the watershed or watershed segment resulted in the discharge of human-generated sediment in amounts which warrant further regulation;
 - g. When requested by another state agency, a subdivision of the state (county) or a federal agency, and with concurrence by the Executive Officer; or
 - h. When such termination is in the public interest and/or the project activities could affect the quality or beneficial uses of the waters of the state.
2. Upon receipt of a written notice of rescission or denial of coverage for a project or activity under this Order, the applicability of this Order to the covered project or activity is immediately terminated. Upon termination, permittees must immediately cease all activities that may result in unauthorized discharges of waste to waters of the state, other than activities necessary to control further discharges. Timber harvest activities that may result in discharges that could affect the quality of waters of the state may commence only upon enrollment by the Executive Officer under general or watershed-wide WDRs, the adoption by the Regional Water Board of an individual waiver of WDRs or individual WDRs, or in accordance with Water Code section 13264, subdivision(a).
 3. The applicability of this Order to a specific project is immediately terminated upon the Responsible Party's receipt of a written notice of rescission or denial of coverage or on the effective date of a different or new categorical waiver of WDRs, an individual waiver of WDRs, individual WDRs, general or watershed WDRs or NPDES permit that covers or permits the specific Project.
 4. Notwithstanding any other provision of this Order, the burden of proof is on the Responsible Party to demonstrate that each finding required for coverage under this Order can be made, and that each and every term, eligibility criterion, and

condition has been met. Notwithstanding any other provision of this Order, no coverage is valid unless each and every term, eligibility criterion, and condition is met.

5. The provisions of this Order are severable; and, if any provision of this Order or the application of any provision of this Order to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.
6. Unless terminated or rescinded pursuant to section IV (1) (A-G), projects that receive coverage under Categories A through D shall remain covered under this Order through the effective period of the Plan and the erosion control maintenance period.
7. Projects covered under Category E may request termination of coverage by submitting a signed Notice of Termination (Attachment B). Upon receipt of a Notice of Termination for projects enrolled under Category E, Regional Water Board staff may request a site inspection to verify that the project meets the definition of a completed project from section IV.8 below Coverage under the Order will be considered terminated upon receipt by the Responsible Party of a letter signed by the Regional Water Board Executive Officer affirming that the project has been unenrolled.
8. Prior to final termination of coverage, where project activities have occurred, the Responsible Party shall ensure the following:
 - a. The project site is stabilized such that no potential for waste discharges from the Project in violation of the Basin Plan.
 - b. Earthen materials and waste have been disposed of properly.

SECTION V: PROHIBITIONS

1. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.
2. The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses is prohibited.
3. The Responsible Party must not cause or threaten to cause pollution, contamination, or nuisance, as defined by Water Code section 13050.

4. This Order does not cover projects regulated under other Water Boards programs, such as grading and land clearing for any type of construction of 1 acre or more. Such construction requires that the Responsible Party obtain a construction stormwater permit and possibly a federal Clean Water Act section 404 dredge and fill permit with accompanying Clean Water Act section 401 water quality certification if a discharge will occur in waters of the United States.
5. The Responsible Party shall not adversely impact human health or the environment, or the beneficial uses of water set out in the Basin Plan.
6. The Responsible Party and Project shall comply with applicable local, state or federal laws and regulations.

SECTION VI: PETITION

Any person aggrieved by this action of the Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Regional Water Board's website: [http://www.waterboards.ca.gov/public_notices/petitions/water_quality] or will be provided upon request.

Certification:

I, Valerie Quinto, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on February 8, 2024.

Valerie Quinto
Executive Officer

Attachments:

- A. Enrollment Form
- B. Notice of Termination

DEFINITIONS

1. “Responsible Party” means the timberland owner and anyone working on behalf of the timberland owner in the conduct of timber harvest or other forest management activities on non-federal lands, including Licensed Timber Operators or Registered Professional Foresters.
2. “Project” means any Timber Harvest Plan or, other discretionary permits issued by the California Department of Forestry and Fire Protection (CAL FIRE) to harvest timber, including all amendments thereto that propose a change in timber harvest activities that in any way could adversely affect water quality, or any Notice of Exemption or Notice of Emergency Timber Operation accepted by CAL FIRE, or any other project, as defined by CEQA, that involves timber harvest activities provided that the project complies with CEQA.
3. “Timber Harvest Activities” means the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, from Timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, Landings, skid trails, and beds for the falling of trees, fire hazard abatement, and Site Preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory work such as treemarking, surveying, or road flagging.
4. “Waste” includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal. Wastes specifically regulated under this Order include: earthen materials including soil, silt, sand, clay, rock; organic materials such as slash, sawdust, or bark that enter or threaten to enter into waters of the state; heat; petroleum products; and nutrients. Not all wastes are covered by this waiver. Examples of wastes not specifically regulated or waived under this Order include: pesticides, hazardous materials, or human wastes.
5. “Water Quality Requirements” means a water quality objective (narrative or numeric), prohibition, TMDL implementation plan, policy, or other requirement contained in a Water Quality Control Plan (Basin Plan) adopted by the Regional Water Board and approved by the State Water Board, and all other applicable plans or policies adopted by the Regional Water Board or State Water Board, including, but not limited to, State Water Board Resolution No. 68-16, (Statement of Policy with Respect to Maintaining High Quality Waters in California).

Most other terms shall have the same definitions as prescribed by the California Forest Practice Act, Forest Practice Rules, and the Porter-Cologne Water Quality Control Act.