

FREQUENTLY ASKED QUESTIONS

REGARDING

WASTE DISCHARGE REQUIREMENTS ORDER R5-2024-0059 FOR NONPOINT SOURCE DISCHARGES RELATED TO CERTAIN ACTIVITIES CONDUCTED BY THE UNITED STATES FOREST SERVICE AND THE BUREAU OF LAND MANAGEMENT (FEDERAL NPS PERMIT)

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What types of projects are eligible for Federal NPS Permit coverage?

Federal NPS Permit coverage is provided for the following land management activities undertaken by the USFS or BLM that have approved NEPA documentation or have been determined to be subject to a Categorical Exclusion:

- Vegetation Management
- Transportation Management
- Recreation Facilities Management
- Post-Emergency Recovery Activities
- Restoration Activities

Refer to Order sections: I.10 (Covered Land Management Activities, p.6-7); II.D.1.a (Category A Eligibility Criteria, NEPA documentation, p.16); II.E.1.a (Category B Eligibility Criteria, NEPA documentation, p.18)

When should I notify Water Board staff about a project I am planning?

Water Board staff must be included on interested party and stakeholder lists for a project's NEPA compliance including initial project proposals, scoping notices, draft document publication, etc. Additional information submittal requirements are outlined below.

Refer to Order sections: II.C.1. (Notification and Pre-Project Consultation, p.11)

Who can sign and submit required documents for projects covered under the Federal NPS Permit?

USFS or BLM staff who have obtained certification through the Training Program within the past 24 months can sign documents for the Federal NPS Permit.

The Federal NPS Permit does not apply to projects that are undertaken by the public or another agency, special use permittees, grazing permittees, or lease holders.

Refer to Order sections: II.I (Training, p.29)

How does project coverage work under the Federal NPS Permit?

Determine if your project falls into Category A or Category B.

2a. Category A projects are automatically covered. No action is needed to obtain coverage, but the project must be documented in the Annual Report. Project documents may also be requested during audits.

2b. Category B coverage requires additional actions:

- Conduct an initial assessment to identify and document Controllable Sediment Discharge Sources (CSDS) on infrastructure within the project boundary.
- Submit a CSDS Inventory Table, a Notice of Planned Operations (NPO), and a project map.
- Upon submittal of the signed NPO, an appurtenant roads assessment for CSDS must be completed within 12 months.

Refer to Order sections: II.D.1.b (Category A criteria, p. 16); Attachment B III.D.3.a (Annual Report for Category A, p.B12); II.E.3 (Category B conditions, p. 18); Attachment B III.C (Notice of Planned Operations, CSDS Required Information, Project Maps, p.B8-B11); II.E.3.b and d (CSDS Assessments, p.18-19)

Is my project Category A or Category B?

Category A projects must:

- Result in no or minimal ground disturbance to areas that have potential for hydrologic connection to surface waters.
- Be conducted in a manner that will not create or threaten to create a discharge of sediment to surface waters.
- Deliberately breach or remove and stabilize off-site roadside berms or other sidecast material generated from transportation management activities (e.g., road grading), unless these features are serving as part of a designed drainage system.
- Remove and stabilize spoil piles, stockpiles of woody debris, and other waste created by project activities from the Watercourse and Lake Protection Zone (WLPZ).
- Occur outside the WLPZ, except where proposed work on roads and/or trail approaches to watercourse crossings or water drafting locations will be minor.
- Not occur on unstable areas with the potential to deliver sediment.

This may include:

- Proposed work involving roads, trails, landings, skid trails, parking lots, staging areas, or developed campgrounds that will have a low potential for hydrologic connectivity to surface waters.
- Proposed grading of roads and/or trail drainage facilities that will be limited to resurfacing.

If a project does not meet the above criteria it will fall under Category B.

Refer to Order sections: II.D.1.b. (Category A Eligibility Criteria, p.16); II.C.14. (Category B Determination, p.13)

When can I proceed with my project?

Category A projects can proceed immediately.

Category B projects (except post-emergency recovery efforts) must submit a Notice of Planned Operations (NPO) at least 15 days prior to commencing project activities.

Category B projects that are part of post-emergency recovery efforts can proceed immediately but must submit an NPO within 30 days of ground-disturbing operations.

Category B NPO's must include a CSDS Inventory Table and Project Map, among other information.

Refer to Order sections: II.D.2 (Category A, p.17); II.E.3.a (Category B, p.18)

What does my project map need to include?

The project map must be a georeferenced pdf with the following information:

- Title (project name, federal administrative unit, and date),
- Legend, scale, north arrow,
- Project boundary (NEPA planning area),
- General location of where operations are planned to take place during the next 1-year period (may include a separate sub-project map(s) for specific work such as timber sale, restoration work, road work, etc.),
- Type and name of all designated roads and trails within the project boundary,

- Names and classification of all watercourses and identification of all wetlands, or lakes within the project boundary,
- Water drafting sources and locations to be used in support of project activities, and
- All Controllable Sediment Discharge Sources (CSDS) with a unique identifier tied to the CSDS Inventory.

Refer to Order sections: Attachment B III.C.3.I. (Project Map Requirements, p.B11)

How long is my permit coverage valid?

Category A projects are provided automatic coverage that does not expire until project activities have been completed and reported in the Annual Monitoring Report.

A Notice of Planned Operations (NPO) for a Category B project expires 1 year from the signature date. If project activities continue past 1 year, an updated NPO must be submitted at least 15 days prior to the expiration date. If project activities lapse and are expected to resume at a later date, NPOs must be submitted at least 15 days prior to project activities resuming.

Refer to Order sections: Attachment B III.C.2 (NPO Expiration, Amendments or Updates, p.B9)

What do I have to do during my Category A project?

- Monitor the project in accordance with Federal agency directives (including BMP monitoring).
- If waste is found to be discharging or threatening to discharge to waters of the state in quantities that exceed or threaten to exceed a Basin Plan objective, notify the Central Valley Water Board by telephone or email within 24 hours of detection, and provide a written report of the incident within 14 days. Additional details are found in the Discharge Incident sections of the Order.
- Notify the Central Valley Water Board 15 days prior to broadcast or aerial pesticide applications.
- Include a list of Category A projects and their status (pending, active or completed) in the Annual Report due September 30th each year.

Refer to Order sections: II.B.6 (Discharge Incident Notifications, p.11); Attachment B II.A. (Category A Monitoring, p.B2); Attachment B III.A (Discharge Incidents, p.B6), Attachment B III.D (Annual Report, p.B12); Attachment B, Figure 1 (Discharge Incident Flow Chart, p.B7)

What do I have to do during my Category B project?

- Within 12 months of the signature date of the submitted Notice of Planned Operations (NPO), a Controllable Sediment Discharge Source (CSDS) assessment must be completed and submitted for appurtenant roads (roads within the project boundary, but not used for project activities).
- Treat CSDS according to the submitted CSDS inventory table.
- If waste is found to be discharging or threatening to discharge to waters of the state in quantities that exceed or threaten to exceed a Basin Plan objective, notify the Central Valley Water Board by telephone or email within 24 hours of detection and provide a written Discharge Incident report of the incident within 14 days.
- Evaluate BMPs and employ corrective actions where necessary to ensure water quality protection.

- Allow Water Board staff access to the property where covered activities occur.
- Notify the Central Valley Water Board 15 days prior to broadcast or aerial pesticide applications.
- Conduct implementation monitoring each year following the completion of ground-disturbing operations and prior to November 15.
- Conduct effectiveness monitoring between April 1 and August 15 on CSDS and management measures tested by the winter period.
- Submit an Annual Report by September 30.

Refer to Order sections: II.E.3.b.ii. (Appurtenant Road Assessment, p.19); Attachment A p.A3 (Definition for appurtenant road); II.B.6 (Discharge Incident Notifications, p. 11); II.C.10-11 (BMP evaluations/corrective actions, p.13); II.C.18. (Pesticide Application, p.14); Attachment B II.B. (Monitoring, p.B3-B5), Attachment B III.D (Annual Report, p.B12)

Will Water Board staff inspect my project?

Water Board staff may contact Federal Agency staff to schedule an inspection before, during, or after project activities. Water Board staff may also inspect projects from lands/roads open to the public. Water Board staff are also available to consult with Permittees upon request to discuss potential water quality concerns.

What BMPs do I need to follow?

Projects must be implemented in accordance with associated NEPA documents, agency-specific BMP guidance documents, site-specific design prescriptions, and water quality protective measures recommended by Water Board staff. If these BMPs are found to be ineffective, modifications must be made to address deficiencies prior to the upcoming winter period.

Category B projects must also:

- Stabilize earthen materials disturbed by project activities within riparian zones/watercourse lake protection zones prior to rain and daily during the winter period.
- Design permanent watercourse crossings to accommodate 100-year flows and allow for aquatic organism passage.
- Deliberately breach roadside berms to allow for adequate road drainage.
- Place spoil piles outside of riparian zones/watercourse and lake protection zones and stabilize.

Refer to Order sections: II.C.2 (Incorporation of Recommended Water Quality Protection Measures, p.11); II.C.3 (NEPA Compliance, p.12); II.C.4 (Agency Specific Guidance, p.12); II.C.10 (Adaptive Management, p.13); II.E.3.f.i-iv. (Category B, Additional Water Quality Protective Measures, p.22-23)

What should I expect during an audit?

At any time, Central Valley Water Board staff may request project documentation that the USFS and BLM are required to keep on file for covered projects. Requested project documentation must be submitted to Water Board staff within 30 days and may include a field inspection.

Refer to Order sections: II.H. (Auditing, p.28)

What is a Watercourse and Lake Protection Zone (WLPZ)?

Watercourse and Lake Protection Zones are defined in the California Forest Practice Rules: “means a strip of land, along both sides of a Watercourse or around the circumference of a lake or spring, where additional practices may be required for protection of the quality and beneficial uses of water, fish and Riparian wildlife habitat, other forest resources and for controlling erosion (14 CCR 895.1).”

How are Class I, II, III, and IV watercourses defined in the Federal NPS Permit?

Watercourse classifications for the Federal NPS Permit are aligned with the California Forest Practice Rules (14 CCR 916.5, 936.5, 956.5) and are not the same as the federal stream value classes, such as those defined in the Forest Service Soil and Water Conservation Practices Handbook. There are four watercourse classifications defined as follows:

Class I Watercourse: watercourse that exhibits the following characteristics: 1) Domestic supplies, including springs, on site and/or within 100 feet downstream of the operations area; and/or 2) Fish always or seasonally present onsite, includes habitat to sustain fish migration and spawning.

Class II Watercourse: a watercourse that exhibits the following characteristics:
1) Fish always or seasonally present offsite within 1000 feet downstream; and/or
2) Aquatic habitat for non-fish aquatic species.

Class III Watercourse: a watercourse that exhibits the following characteristics: a watercourse that has no aquatic life present but shows evidence of being capable of sediment transport to Class I and II waters under normal high water flow conditions after completion of activities.

Class IV Watercourse: a man-made watercourse, usually for the purpose of downstream domestic, agricultural, hydroelectric supply, or other beneficial use.

Refer to Order sections: [Table 1 \(Definitions, p.15\)](#); [Attachment A \(Definitions/Additional Guidance, p.A.8, A.9\)](#). Note: Class IV Watercourses may also be classified as Class I, II or III and given increased WLPZ widths accordingly.

What is a Controllable Sediment Discharge Source (CSDS)?

A “Controllable Sediment Discharge Source (CSDS)” meets all of the following conditions:

- Causes or threatens to cause a discharge of sediment to surface waters in violation of applicable water quality standards,
- Was caused or affected by anthropogenic activity,
- Is under the ownership and/or control of the USFS or BLM, and
- Can be treated through implementation of management measures (such as planned project, activities, routine maintenance, storm-proofing, emergency work, or as a stand-alone project).

CSDS are frequently associated with (but are not limited to) the following features: roads, watercourse crossings, road drainage facilities, trail systems, public use areas including recreational facilities, haul roads, landings, skid trails, and water drafting locations.

Refer to Order sections: [Attachment A \(Definitions, p.A.4\)](#)

Can I request a time extension for CSDS Assessments?

Time extensions may be requested only where an emergency impacts a project area or requires a diversion of resources AND where the project size exceeds 15,000 acres or includes over 50 miles of designated roads. Time extension requests must be signed by the USFS Forest Supervisor or District Ranger or BLM Field Office Manager, submitted in writing prior to the CSDS assessment deadline, and not exceed 12-months. Central Valley Water Board staff may approve or deny the request for a time extension.

Refer to Order sections: II.E.3.e. (CSDS Assessment Time Extension, p.22)

What if I have a 401 Water Quality Certification for my project?

If project activities are limited to those covered by a Clean Water Act (CWA) section 404 permit and associated CWA section 401 Water Quality Certification, then Federal NPS Permit coverage may not be required.

Additionally, the Federal NPS Permit does not apply to point source discharges of waste that are subject to the federal National Pollutant Discharge Elimination System (NPDES) permit program under the CWA or to discharges subject to water quality CWA section 401 certification requirements.

Refer to Order sections: I.2 (Legal Basis, p.5), Attachment E I. (Permitting Scope, p.E4), Attachment E III. (Order Requirements, p.E22)

Do I need to notify the Central Valley Water Board about pesticide applications within a project area?

If your Category A or Category B project includes broadcast or aerial applications of pesticides (including herbicides), you must notify the Central Valley Water Board in writing at least 15 days prior to a proposed application. The notification must include:

- Federal Administrative Unit
- Project Name
- Proposed date(s) of application
- Name of the pesticide
- Category of pesticide (ex: herbicide)
- EPA registration number
- Application Method
- Map showing areas of application and classified waterbodies
- Explanation of changes to previous pesticide application notification (if applicable, must be submitted 48 hours prior to application)
- Signature and Certification Statement

Refer to Order sections: II.C.18.b.iii (Pesticide Application, p.14); Attachment B III.B. (Pesticide Application Reporting Requirements, p.B8); II.I.2 (Training and Certification Program, Document Submittal, p.29)

What must I include in my Annual Monitoring Report?

- A list of all Category A and B projects and their status.
- For Category B projects:
 - An updated project map showing the location where Category B activities took place during the reporting period and the location of all Controllable Sediment Discharge Sources (CSDS).
 - An updated project-specific CSDS inventory table.

- An effectiveness monitoring report with site-specific information about the locations where effectiveness monitoring identified water quality impacts, threatened or actual. This must include:
 - Project name,
 - Site identification,
 - Location of site,
 - Date deficiencies were observed,
 - Description of site conditions, observed deficiencies, and volume estimates
 - Description and timeline of implemented or planned corrective actions
 - Photo point monitoring where required or where used to illustrate site conditions.
- For Emergency Response Actions:
 - Name and nature of the emergency,
 - Date the emergency began,
 - A summary of emergency response actions conducted during the reporting period,
 - The location(s) of emergency response actions that have caused or threaten to cause water quality impacts or discharges of waste that have not been mitigated,
 - Description of water quality impacts including concentration or volume,
 - Date the water quality impact occurred or was observed,
 - Contact information of person(s) responsible for follow-up,
 - Any reports, including maps and accompanying data, that were prepared as a result of the emergency.
 - Description of proposed corrective actions and estimated time for completion.
- Signature and Certification Statement.

Annual Monitoring Reports are due annually by September 30.

Refer to Order sections: Attachment B III.D. (Monitoring Results Annual Reporting, p.B12); II.F. (Emergency Response Actions, p.23-24)

What is the Controllable Sediment Source Reduction Program (CSSRP)?

The CSSRP is a program designed to address and abate controllable sediment sources on federally managed lands in a systematic manner over time within the Central Valley region.

Under the CSSRP, the BLM and USFS must identify and abate actual or threatened discharges of waste to surface waters from CSDS on lands owned or managed by the agency in targeted HUC 12 watersheds over time. This will include:

1. Identifying one or more HUC 12 watersheds every 7 years for assessment and treatment using established Targeted Watershed Selection Criteria.
2. Preparing a Field Assessment Work Plan to identify and characterize CSDS.
3. Implementing the Field Assessment Work Plan after approval by the Central Valley Water Board's Executive Officer.
4. Preparing a Watershed Treatment Plan for Board consideration at a regularly scheduled meeting.

5. Implementing the Watershed Treatment Plan within 10 years from Board approval.
6. Enrolling projects conducted as a part of the Watershed Treatment Plan under the Federal NPS Permit.
7. Submitting Annual Interim Progress Reports.
8. Submitting a Final Completion Report.

Refer to Order sections: Attachment A (Definitions, p.A4); II.G. (Controllable Sediment Source Reduction Program, p.24-27); Attachment B III.E (CSSRP Reporting, p.B14-B21); Attachment B, Table 1 (CSSRP Schedule, p.B18-B19)

Who do I contact if I have more questions?

Redding Office

Misty Pontes, (530) 224-3249, Misty.Pontes@waterboards.ca.gov

Lassen National Forest, Plumas National Forest, Mendocino National Forest, BLM Redding Field Office, BLM Ukiah Field Office (North), BLM Eagle Lake Field Office (North), BLM Applegate Field Office

Counties: Butte, Glen, Lassen (Northwest), Modoc, Plumas, Shasta, Siskiyou (Southeast), and Tehama

Melanie Oxley, (530) 224-2426, Melanie.Oxley@waterboards.ca.gov

Shasta-Trinity National Forest, Modoc National Forest, Tahoe National Forest, BLM Redding Field Office, BLM Ukiah Field Office (North), BLM Eagle Lake Field Office (North), BLM Applegate Field Office

Counties: Butte, Glen, Lassen (Northwest), Modoc, Plumas, Shasta, Siskiyou (Southeast), and Tehama

Rancho Cordova Office

Jonathan Meurer, (916) 464-4626, Jonathan.Meurer@waterboards.ca.gov

Stanislaus National Forest, BLM Central Coast Field Office (Northeast), BLM Mother Lode Field Office (North), BLM Ukiah Field Office (Southeast), BLM Eagle Lake Field Office (South)

Counties: Colusa, Lake, Sutter, Yuba, Sierra, Nevada, Placer, Yolo, Napa (Northeast), Solano (West), Sacramento, El Dorado, Amador, Calaveras, San Joaquin, Contra Costa (East), Stanislaus, Tuolumne

Aaron Rachels, (916) 464-4647, Aaron.Rachels@waterboards.ca.gov

El Dorado National Forest, BLM Central Coast Field Office (Northeast), BLM Mother Lode Field Office (North), BLM Ukiah Field Office (Southeast), BLM Eagle Lake Field Office (South)

Counties: Colusa, Lake, Sutter, Yuba, Sierra, Nevada, Placer, Yolo, Napa (Northeast), Solano (West), Sacramento, El Dorado, Amador, Calaveras, San Joaquin, Contra Costa (East), Stanislaus, Tuolumne

Fresno Office

Rebecca Hipp, (559) 445-5977, Rebecca.Hipp@waterboards.ca.gov

Sequoia National Forest, Sierra National Forest, Inyo National Forest (West), Los Padres National Forest (Northeast), BLM Bakersfield Field Office, BLM Central Coast Field Office (Southeast), BLM Mother Lode Field Office (South), BLM Ridgecrest Field Office (West), Counties: Fresno, Kern, Kings, Madera, Mariposa, Merced, Tulare, and small portions of San Luis Obispo (East) and San Benito (Southeast)

Maps of regional water board boundaries can be found at:

<https://gispublic.waterboards.ca.gov/> and

https://www.waterboards.ca.gov/centralvalley/about_us/