

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 14, 2004

Prepared on April 14, 2004

ITEM: 5

**SUBJECT: WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR THE ESTRADA
NON-INDUSTRIAL TIMBER MANAGEMENT PLAN, 1-98NTMP-022 SCR,
SANTA CRUZ COUNTY RESOLUTION NO. R3-2004-0037**

SUMMARY: Harvest Type - Non-Industrial Timber Management Plan
Area - Five Acres
Water Courses - Adjacent to Gamecock Creek and one unclassified channel
Forester: Cassady Bill Vaughan
Land Owner: Frank Estrada

DISCUSSION

On January 14, 2004, Regional Board staff received a request from Cassady Bill Vaughan for Water Quality regulation of the Estrada Non-industrial Timber Management Plan (NTMP). An NTMP is a long-term timber harvest plan that can continue indefinitely, unlike a regular timber harvest plan that normally is ended after about four or five years. This entry involves selective harvesting of five acres of land utilizing ground based yarding techniques. The NTMP totals 1176 acres with 768 acres of conifer forest divided in to four units (i.e., sub areas that are normally harvested during a particular time period/year). The proposed harvest is next to the Smelt-Locatelli THP, so these two properties will be harvested together. Another unit of the Estrada NTMP (i.e., "Estrada II") will be brought to the Board for consideration at the July 9, 2004, Board Meeting. The current portion of the Estrada NTMP is located in the Gamecock Creek area of the Browns Creek Watershed. The proposed harvest is 0.1% of the Brown's Creek Watershed. There is housing, public and private roads, retreat centers and a small amount of agriculture upstream of the NTMP. Downstream is similar, with the City of Watsonville's water intake and a substantial

amount of housing and agriculture near the City of Watsonville.

The preharvest inspection for the entire NTMP was on October 21, 1998. On February 10, 2004, Regional Board staff re-inspected the five acres proposed for harvest and found the proposed harvest area to pose a low risk to water quality. This NTMP is appropriate to receive a waiver of waste discharge requirements.

Conditions

This project will be conducted as prescribed in the Estrada NTMP with the following additional conditions.

1. The discharger must comply with all requirements of applicable water quality control plans adopted by the Central Coast Regional Water Quality Control Board and approved by the State Water Resources Control Board, and water quality control plans and policies adopted by the State Water Resources Control Board.
2. The discharger shall conduct timber harvest activities in accordance with the

approved NTMP and with all applicable sections for the Forest Practice Rules.

3. The discharger shall not create a pollution, contamination, or nuisance, as defined by CWC Section 13050.
4. The discharger shall not discharge any waste not specifically regulated by the waivers described herein and shall not cause alteration in stream temperature which exceeds Basin Plan requirements. Waste specifically regulated under this waiver includes: earthen materials (including soil, silt, sand, clay, and rock) and organic materials (including slash, sawdust, and bark). Examples of waste not specifically regulated by this waiver include petroleum products, hazardous materials, or human wastes.
5. The discharger shall allow Regional Board staff reasonable access, pursuant to Public Resources Code 4604 (b), onto the affected property for the purpose of performing inspections to determine compliance with waiver conditions.
6. The discharger shall implement proposed Monitoring & Reporting Program No. R3-2004-0037.
7. This Waiver does not regulate point-source discharges that require an NPDES permit under the Clean Water Act including silvicultural point-source discharges as defined in 40CFR Chapter 1 Part 122.27.

This project, if conducted in accordance with Timber Harvest Plan 1-98NTMP-022 SCR and the conditions above will be in the public interest. This waiver is conditional and can be terminated at any time. This waiver expires on May 1, 2009.

Risk to Water Quality

This NTMP is considered a “ low risk” to water quality for the following reasons:

1. The area proposed for harvest is very small (i.e., five acres).
2. Only one small channel enters the proposed harvest area. This channel is not a classified watercourse because flows

into a natural “settling basin” feature that prevents transport of sediment to nearby Gamecock Creek. The unclassified channel will be protected to the standards of a Class III water course.

3. Harvesting within the Class I watershed and lake protection zone that borders the Plan is limited to six trees.
4. The forester, Bill Vaughn, and the landowner, Richard Estrada, have attended a “Ranch Water Quality Course” sponsored by the Regional Board. This Course includes a review of erosion control techniques for land disturbance activities.
5. There have been no violations or complaints since the NTMP was approved on January 7, 1999.
6. No new roads, landings, skid trails, or watercourse crossings are proposed for the NTMP.
7. Most of the terrain of this NTMP is moderately sloped with an erosion hazard rating of “moderate.”
8. Monitoring will be implemented in a manner such that erosion problems that might occur will be addressed as soon as practical.
9. This NTMP will be executed primarily during the dry season and should be completed within one harvest season.

Monitoring & Reporting Program (M&RP)

This Waiver will require photo-point and/or visual monitoring of watercourses, Class I watershed & lake protection zone (WLPZ), roads, landings, and skid trails. Reporting is required on an annual basis with additional reporting if significant erosion events are observed. If a water quality impact or a violation of the NTMP which could lead to a water quality impact is observed, the RPF is required to report this event to the Regional Board within forty-eight (48) hours. Log books of field inspections will be maintained by Bill Vaughn and/or Richard Estrada.

This NTMP is bordered by a Class I stream with six trees proposed for harvest within the Class I

WLPZ (stream length of about 125 feet). The M&RP for this NTMP does not include water column monitoring because the risk of sediment delivery or temperature impacts to the watercourse is very low. Visual and photo-point monitoring of the Class I WLPZ have been included in the M&RP to verify no water quality impacts to Gamecock Creek occur.

On February 10, 2004, Regional Board staff re-inspected the five-acre portion of this NTMP. At that time, the landowner and forester were in agreement with the monitoring strategy proposed in the Regional Board Monitoring and Reporting Program.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The above-referenced Non-industrial Timber Management Plan (Plan) was submitted by Bill Vaughn, a Registered Professional Forester, and was granted discretionary approval by the California Department of Forestry and Fire Protection (CDF). The Secretary of the Resources Agency has certified that CDF's timber harvest plan regulatory program can function as a substitute for an Environmental Impact Report or a negative declaration. (CEQA Guidelines § 15251.) CDF considered all the potential significant environmental effects of the Plan and made a finding that the timber operations will not have a significant effect on the environment. Therefore the above-referenced Non-industrial Timber Management Plan serves as a substitute negative declaration for the proposed timber harvest. CDF consulted with Regional Board staff when it developed the Plan. The Regional Board has considered the Plan and has required the Plan proponent or their authorized representative (Discharger), as a condition of this waiver, to comply with all requirements of the Plan.

COMMENTS

The proposed Board Resolution and Monitoring & Reporting Program was mailed to interested parties on February 18, 2004. Comments were due on March 22, 2004.

No comments were received regarding the proposed waiver.

Staff proposes that the Resolution and Monitoring & Reporting Program be revised to be consistent

with resolutions adopted by the Board at the March 2004 Board Meeting, as follows:

Findings:

Finding No. 2

The Regional Board has a statutory obligation to prescribe waste discharge requirements except where the Regional Board finds that a waiver of waste discharge requirements for a specific type of discharge is consistent with applicable water quality control plans and is in the public interest pursuant to California Water Code Section 13269.

Finding No. 4

California Water Code Section 13269 provides that effective January 1, 2003, all waivers of waste discharge requirements must be conditional, may not exceed five years in duration, and be renewed every five years and may be terminated at any time by the Regional Board.

Finding No. 6

~~The proposed timber harvest, if conducted in the manner prescribed in the Plan, including any additional conditions, will not be against the public interest.~~

Relevant factors in determining whether a waiver is in the public interest include the following:

- Whether the discharge is already regulated by another governmental entity;
- Whether the discharger will observe reasonable practices to minimize the deleterious effects of the discharge;
- Whether a feasible treatment method exists to control the pollutants in the discharge; and
- Whether conditionally waiving ROWDs and/or waste discharge requirements will adequately protect beneficial uses while allowing the Regional Board to utilize more of its resources to conduct field oversight, public outreach and, where necessary, enforcement.

The timber harvest plan is regulated by the California Department of Forestry, and requires the Discharger to implement practices to control water quality impacts, including erosion and sedimentation. The conditions of this Order protect beneficial uses by:

- (i) Prohibiting pollution, contamination or nuisance;
- (ii) Requiring monitoring and compliance with applicable water quality control plans; and
- (iii) Requiring the Discharger to grant access to Regional Board staff to perform inspections.

Management practices are the most feasible treatment method to control the discharges. If the proposed timber harvest is conducted in the manner prescribed in the Plan, and the conditions of this Order, a waiver of the ROWD and waste discharge requirements is in the public interest and is consistent with applicable water quality control plans, including the Water Quality Control Plan, Central Coast Region.

Monitoring & Reporting Program

Section 2.b.

~~All photo point monitoring points shall be monitored following the first significant storm event of the wet season and following any significant storm event during the month of April. A significant storm event shall be any storm of two or more inches of rain in a 24 hour period. Photo point monitoring shall occur within 7 days for each of these storm events. If no significant events occur during April, photo point monitoring shall be performed prior to June 15 of each year.~~

All photo-point monitoring points shall be monitored following:

- The first significant storm event (First Storm) during, and following completion of timber harvest activities, and
- Following any significant storm event during the month of April (April Storm).

Photo-point monitoring shall occur within seven days of the First Storm and April Storm events. If no significant storm event occurs in the month of April, photo-point monitoring shall be completed by April 30 of the same year. Starting in the second year following completion of timber harvest operations, the First Storm photo-point monitoring may be discontinued (i.e., only the April Storm photo-point monitoring is required). A significant storm event shall be any storm of two or more inches of rain in a 24-hour period.

ATTACHMENTS

1. Proposed Order No. R3-2004-0037
2. Proposed Monitoring & Reporting Program R3-2004-0037
3. Timber Harvest Information Package
4. Location Map
5. Site Plan (Attachments A & B)

S:\NPS\Timber Harvest\May 04 Board Meeting\Estrada NTMP\Estrada staff report.doc