

**From:** "Hildreth Forestry" <hildrethforestry@calcentral.com>  
**To:** Jdyer@waterboards.ca.gov  
**Date:** 4/27/2009 12:58 PM  
**Subject:** Modifications to Timber waiver

Attachment 6

Julia,  
I quickly reviewed the modifications and have a few questions.

1. Have the values (threshold) for Tier IV been modified? These spreadsheets will continue to place none threatening THPs into Tier IV if they are not modified. Where did these spreadsheets and specific values come from in the first place? They place way too high a value on cumulative and drainage density (both out of the control of owner). They should be modified to have a greater weight for on-site conditions (for example, a THP that minimized WLPZ ops would benefit the landowner by keeping them in a Tier III, not Tier IV), and less weight for cumulative and drainage.

2. It appears that temp and turbidity sampling will be required if WQ asks for this on the PHI. What conditions warrant these? If WQ is not on the PHI, is there no chance of turbidity or temp monitoring being required?

Thanks,  
Jim



**From:** Catherine Moore <cateymoore@mac.com>  
**To:** <centralcoast@waterboards.ca.gov>  
**CC:** <Jdyer@waterboards.ca.gov>, <Rbriggs@waterboards.ca.gov>  
**Date:** 5/27/2009 11:31 PM  
**Subject:** Modifications to the Regulation of Timber Harvest Activities

May 27, 2009

Mr. Roger W. Briggs  
Executive Officer  
California Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

RE: Modifications to the Regulation of Timber Harvest Activities

Dear Mr. Briggs,

The Central Coast Forest Association Board is writing on behalf of our membership to provide input to the Water Quality Board's Modifications to the Regulation of Timber Harvest Activities. The Central Coast Forest Association is a non-profit organization headquartered in the Santa Cruz area, and has many members throughout the Central Coast and other parts of California. Our membership includes forest landowners, companies engaged in the harvesting and manufacturing of wood products, professional foresters, loggers, and other interested individuals. Our members are directly affected by your decisions.

CCFA supports the Water Quality Board's attempt to streamline and simplify the current system of water quality monitoring of timber harvest activities. The modifications will result in your staff evaluating the need for monitoring during or after the pre-harvest inspections. The amount of monitoring required will be on a case by case basis, instead of the current regulation requiring categorically that all plans be monitored. However, it appears that all of the current requirements for monitoring (visual, photo points, temperature, and turbidity) may still be required on certain timber harvest plans.

It is the view of CCFA that post-harvest visual monitoring is appropriate. The monitoring of photo points, temperature, and turbidity sampling has not, in our opinion, proved to be useful or scientifically valid in many cases. The forestland owners have spent a great amount of time and money to collect this data for the Water Quality Board in the past. This data appears to have little use to the Water Quality Board, as the staff report for this modification is the first time the landowners (who have paid for this monitoring) have seen any of this data compiled. It is our hope that the proposed modification to require monitoring on a case by case basis will be intelligently implemented by your staff, and result in fewer cases where monitoring is required.

The CCFA Board is still concerned over the requirement for Tier IV

monitoring. We agree that there may be certain timber harvest plans that pose an elevated risk to water quality, and understand that the Water Quality Board needs to treat these under a Tier IV individual waiver. However, the current system of determining the Tier using the Cumulative Effects Ratio, the Drainage Density Index, and the Soil Disturbance Factor spreadsheets results in some plans being unnecessarily assigned to a Tier IV. These spreadsheets place too much weight on circumstances outside of the control of the landowner. The Cumulative Effects Ratio (how much land have others harvested in your watershed) and Drainage Density Index (how much water is on your property) are given an unnecessary amount of weight that steer plans towards a Tier IV ranking. The landowner can only control the Soil Disturbance Factor (the potential on-site ground disturbance). There is little incentive to voluntarily limit WLPZ operations when the plan will end up in a Tier IV monitoring anyways due to the Cumulative Effects Ratio and Drainage Density Index. It is unclear where the spreadsheets originated, how the numbers and ranking system were assigned, and whether or not the person(s) responsible had sufficient experience and credentials.

We urge the Water Quality Board to review and make changes to the Cumulative Effects Ratio, Drainage Density Index, and Soil Disturbance Factor spreadsheets. The result should be a Tier system that clearly identifies timber harvest plans that pose an elevated risk to water quality. Without this change, it appears likely that the Water Quality Board and staff will be very busy unnecessarily preparing Tier IV individual waivers for plans that do not pose an elevated risk to water quality.

Thank you for the opportunity to submit comments on behalf of our membership.

Respectfully submitted,

Cate Moore

CCFA Board



May 20, 2009

Julia Dyer  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401-7906

Dear Ms. Dyer:

NOAA's National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (DFG) have reviewed a Notice of Public Hearing for Recommended Modifications to the Regulation of Timber Harvest Activities in the Central Coast Region by the Central Coast Regional Water Quality Control Board (Board). Currently the Board requires instream temperature monitoring in order for timber harvest plans to be eligible for a General Conditional Waiver of Waste Discharge Requirements. The purpose of this letter is to provide information regarding the current temperature evaluation program and our concerns over proposed modifications to the Board's current temperature monitoring requirements. We also provide our recommendations for appropriate temperature thresholds for application in waters currently or historically occupied by endangered Central California Coast (CCC) Evolutionarily Significant Unit (ESU) coho salmon (*Oncorhynchus kisutch*). Similar comments were provided to Board staff by DFG in 2005 during consideration of Order R3-2005-0066.

Additionally, NMFS and DFG recommend that the waiver be designed to avoid take of and promote the recovery of coho salmon. NMFS and DFG propose that the timber harvest waiver take into consideration both the watershed-specific and appropriate range-wide recovery recommendations presented in DFG's "Recovery Strategy for California Coho Salmon."

#### **Listing Status of CCC Coho Salmon**

CCC ESU coho salmon were first listed by NMFS on October 31, 1996 (61 FR 56138), as threatened with extinction under the federal Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Following a coast-wide ESA status review a NMFS Biological Review Team concluded that the naturally spawned component of the CCC coho ESU was "in danger of extinction." Subsequently, NMFS concluded that coho were in danger of extinction throughout all or a significant portion of its range and the species' listing status was changed from threatened to endangered on June 28, 2005 (70 FR 37160).

Under the California ESA, coho salmon are listed as endangered south of Punta Gorda, including the San Mateo and Big Basin hydrologic units. The San Mateo and Big Basin hydrologic units constitute the southern extent of coho salmon in the eastern Pacific Ocean, and are critical to recovery of the coho south of Punta Gorda. Per California Fish and Game Code § 2055, it is the policy of the State that all State agencies, boards, and commissions shall seek to conserve endangered species and shall utilize their authority in furtherance of the purposes of the California Endangered Species Act.

### **Current Population Status South of San Francisco Bay**

Available information demonstrates CCC coho salmon abundance is very low, and the ESU is not able to produce enough offspring to maintain itself (population growth rates are negative). CCC coho salmon have experienced range constriction, fragmentation, habitat destruction, and a loss of genetic diversity. Many subpopulations that may have supported the species' overall numbers and geographic distribution have been extirpated. The extant subpopulations of CCC coho salmon may not have enough fish to survive additional natural and human caused environmental change. Recent estimates of adult spawner (2007/8 and 2008/9) and juvenile (2008) abundance indicate a widespread collapse of the coho population in the Santa Cruz Mountains Diversity Stratum (Spence, personal communication, 2009). Because the remaining populations in the Santa Cruz Mountains Diversity Stratum are so low, NMFS and DFG are very concerned over the vulnerability of these remaining populations to chronic and stochastic events that further degrade water quality and carrying capacity in the freshwater environment. Timber harvest activities have been cited as one of the principal factors contributing to the decline of this once abundant species (70 FR 37160).

### **Effect of Water Temperature on Coho Salmon**

Water temperature is an important physical factor that regulates the distribution of fish (Li *et al.* 1994; Welsh *et al.* 2001). High water temperatures have been shown to limit the distribution of salmonids within streams (Meisner 1990), reduce abundance (Ebersole *et al.* 2001), and fragment populations within a watershed (Matthews and Zimmerman 1990; Madej *et al.* 2006). Elevated water temperatures can also decrease growth and increase juvenile mortality (Brett 1979). High water temperatures can negatively influence salmonid egg development and juvenile appetite and growth (Dockray *et al.* 1996), as well as negatively alter behavior and interspecies interactions (De Staso and Rahel 1994; Beschta *et al.* 1987). Summer rearing coho salmon are particularly sensitive to warm water temperatures because they rear in freshwater for at least a year. Optimal growth occurs when instream temperatures average 12-14° Celsius (C) (Brett 1952). When maximum weekly maximum temperatures exceed 18.1° C coho salmon are absent from otherwise suitable rearing habitat (Welsh *et al.*, 2001). Instantaneous temperatures exceeding 25-26° C are invariably lethal (Brett 1952).

### **Recommendations for Evaluating Impacts to Beneficial Uses**

Order R3-2005-0066 requires that timber operations not result in changes to instream temperatures exceeding the State Water Resources Control Board's 1994 Basin Plan requirements. The applicable Basin Plan requirements are: 1) no alteration unless it can be demonstrated that alteration does not adversely affect beneficial uses, and 2) no increase of

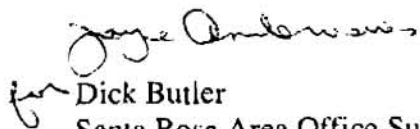
## Conclusions


Based on the above, NMFS and DFG recommend that Order R3-2005-0066 and MRP R3-2005-0066 continue to require blanket requirements for summer temperature monitoring. Also, we recommend the Board incorporate the following modifications for instream temperature monitoring in waters currently or historically occupied by endangered CCC coho salmon.

- Consider as an adverse effect any instantaneous temperatures in excess of 78.8° F (25° C);
- Evaluate temperature data using a 7-Day Moving Average of the Daily Maxima (7DMADM); and
- Consider as an adverse effect a 7DMADM which exceeds at any period a Maximum Weekly Maximum Temperature (MWMT) of 61.7°F (16.5° C).

If you have any questions, please contact Mr. Jonathan Ambrose (NMFS) at (707) 575-6091, or Mr. Richard Fitzgerald (DFG) at (707) 944-5568.

Sincerely,

  
for Dick Butler  
Santa Rosa Area Office Supervisor  
National Marine Fisheries Service

  
Charles Armor  
Regional Manager  
Bay Delta Region

cc:

Cyndee Jones, Central Coast Regional Water Quality Control Board  
cjones@waterboards.ca.gov

Richard Sampson, Cal FIRE  
rsampson@firc.ca.gov

R. Fitzgerald  
S. Wilson  
D. Wilson  
S. DeLeon  
BDRTimber@dfg.ca.gov  
M. Leicester  
J. Nelson  
G Marsh (HCB)  
M Stopher, K Moore, M Moore, C Babcock (NR)  
Kent Smith (NCR)  
J Vance, D Applebee (CR)

greater than 5° F (2.78° C). To meet the Basin Plan requirements, NMFS and DFG recommend the following be considered adverse effects to beneficial uses:

- any instantaneous temperatures in excess of 78.8° F (25° C), and
- a 7-Day Moving Average of the Daily Maxima (7DMADM) which exceeds (at any time) a Maximum Weekly Maximum Temperature (MWMT) of 61.7° F (16.5° C).

### **Analysis of Temperature Monitoring Data**

Based in part on analysis of temperature monitoring data collected under General Order R3-2005-0066, the staff report concludes that timber harvest is generally not, or only minimally, impacting water quality. We do not concur with this conclusion due in part to analysis methods used by Board staff to evaluate instream temperatures.

The data analysis conducted by Board staff used an upper temperature suitability threshold of a Maximum Weekly Average Temperature (MWAT) of 64.4° F (18° C). This threshold exceeds suitable temperature conditions for coho salmon. We recommend Board staff review Sullivan *et al.* (2000) and Welsh *et al.* (2001) and consult with staff from the North Coast Regional Water Quality Control Board who are developing TMDL's for instream temperature. Welsh found that a MWMT greater than 18.1° C or a MWAT greater than 16.8° C was likely to preclude the presence of coho salmon in the Mattole River, California. Note that recommended MWMT thresholds are usually 1-2° C higher than recommended MWAT thresholds. This disparity between coho thermal threshold and data analysis methods has resulted in an inaccurate framework to evaluate actual *in situ* conditions and impacts to coho salmon resulting from timber harvest activities. If MWAT is used, an upper temperature suitability threshold for coho salmon of 58.6° F (14.8° C) is appropriate. We recommend that the Board re-evaluate the temperature monitoring based on a MWMT of 61.7° F (16.5° C).

The temperature monitoring data collected under Order R3-2005-0066 shows temperatures in waters currently supporting coho salmon exceeded suitable temperature conditions following harvest operations. This is shown on Scott Creek (1-02-101 SCR) and the East Branch of Soquel Creek (1-07-093 SCR).

These data also indicate that for a majority of timber harvesting plans, regardless of whether temperatures are within suitable thresholds, water temperatures at the downstream monitoring points often exceed water temperatures at the upstream monitoring points. While it is not possible to determine the extent to which these effects should be attributed to harvest operations, it indicates that there is a potential for such effects. Where temperatures are already at or exceed the suitable range, any increases in water temperature should be considered adverse effects to beneficial uses. Additionally, collection of temperature data prior to harvest operations would be valuable for evaluation of baseline conditions. Comparisons between baseline conditions and post-harvest conditions would provide greater confidence when evaluating impacts of timber harvest action to instream thermal regimes potentially resulting from harvest activities.



## References Cited

- Beschta, R.L., Bilby, R.E., Brown, G.W., Holtby, L.B., and Hofstra, T.D. 1987. Stream temperature and aquatic habitat: fisheries and forestry interactions. *In* Forestry and fisheries interactions. Edited by E.O. Salo and T.W. Cundy. University of Washington Institute of Forest Resources, Seattle, Wash., Contribution No. 57. pp. 191–232.
- Brett, J.R. 1952. Temperature tolerance in young Pacific salmon, genus *Oncorhynchus* sp. J. Fish. Res. Board Can. **9**: 265–323.
- Brett, J.R. 1979. Environmental factors and growth. *In* Fish physiology. Vol. 8. Edited by W.S. Hoar, D.J. Randall, and J.R. Brett. Academic Press, New York. Pp 599-675.
- De Staso, J., III, and Rahel, F.J. 1994. Influence of water temperature on interactions between juvenile Colorado River cutthroat trout and brook trout in a laboratory stream. Trans. Am. Fish. Soc. **123**: 289–297.
- Dockray, J.J., Reid, S.D., and Wood, C.M. 1996. Effects of elevated summer temperatures and reduced pH on metabolism and growth of juvenile rainbow trout (*Oncorhynchus mykiss*) on unlimited ration. Can. J. Fish. Aquat. Sci. **53**: 2752–2763.
- Ebersole, J.L., Liss, W.J., and Frissell, C.A. 2001. Relationship between stream temperature, thermal refugia and rainbow trout *Oncorhynchus mykiss* abundance in arid-land streams in the northwestern United States. Ecol. Freshw. Fish. **10**: 1–10.
- Li, H.W., Lamberti, G.A., Pearsons, T.N., Tait, C.K., Li, J.L., and Buckhouse, J.C. 1994. Cumulative effects of riparian disturbances along high desert trout streams of the John Day Basin, Oregon. Trans. Am. Fish. Soc. **123**: 627–640.
- Madej, M.A., C. Currens, V. Ozaki, J. Yee, and D.G. Anderson. 2006. Assessing possible thermal rearing restrictions for juvenile coho salmon (*Oncorhynchus kisutch*) through thermal infrared imaging and in-stream monitoring, Redwood Creek, California. Can. J. Fish. Aquat. Sci. **63**: 1384-1396.
- Matthews, W.J., and Zimmerman, E.G. 1990. Potential effects of global warming on native fishes of the southern Great Plains and the Southwest. Fisheries, **15**: 26–32.
- Meisner, J.D. 1990. Potential loss of thermal habitat for brook trout, due to climatic warming, in two southern Ontario streams. Trans. Am. Fish. Soc. **119**: 282–291.
- Sullivan, K., D. J. Martin, et al. (2000). An analysis of the effects of temperature on Salmonids of the Pacific Northwest with implications for selecting temperature criteria. Portland, Oregon, Sustainable Ecosystems Institute.

Welsh, H.H., Jr., Hodgson, G.R., Harvey, B.C., and Roche, M.E. 2001. Distribution of juvenile coho salmon in relation to water temperatures in tributaries of the Mattole River, California. *N. Am. J. Fish Manag.* **21**: 464–470.

**Personal Communication**

Spence, B. May, 2009. NMFS Southwest Fisheries Science Center – Santa Cruz Lab.



May 29, 2009

Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
Attn: Julia Dyer and Lisa McCann

Subject: Review of the Timber Waiver Program for the July 10 Meeting of the Regional Board: "Modifications to the Regulation of Timber Harvest Activities..."

Greetings Board and Staff:

The following is a quote from the May 18, 2009 letter to the Timber Harvest Program Interested Parties List: "Staff found that timber harvest operations are generally not or only minimally impacting water quality. Additionally, Water Board staff incurred budget cuts in 2008 requiring a reduction of staff efforts on lower priority activities."

This statement contains a remarkable conclusion effecting water quality regulation over the most important terrain in Santa Cruz County for water supply. Timber Production (TP) zoned land covers one quarter of the entire land area of the county. These areas are mountainous landscapes too steep for heavy housing development but supporting forests available for timber production. These TP parcels are often headwaters areas for the many stream systems that supply water for county residents and ecosystems.

Your conclusion that "timber harvest operations are generally not or only minimally impacting water quality" contradicts an extensive public record, simple informed logic about land disturbance, and your Regional Board's own San Lorenzo River sediment TMDL. This TMDL recommends increased inspections and regulation of forestry by your Board as a means to bring this river back to health. If Timber Harvest is not a substantial source of erosion, than how do you explain your own Agency record?

The issue of budget cuts is an entirely separate matter. If logging occurred throughout Region Three, instead of only on its northern end, your Board would never use the budget as justification for this change. Region One is also modifying its Timber Waiver, but it is not relegating it to such a tiny fraction of its staff time. Sedimentation is not as politically charged or as toxic a pollutant as perclorate, MTBE or pesticides.

Sedimentation is nonetheless a major issue for water quality in Santa Cruz County. Coupled with water diversion, it is demolishing our aquatic wildlife.

I have never argued that soil erosion is solely a problem of timber operations. It is the effect of numerous actions. If it were true that logging has no or only minimal impact, then by this same "logic", I would expect your agency to say the same for development, agriculture and every other source of sedimentation. At which point the Regional Board would be led to the conclusion that elevated soil erosion and sedimentation were actually not occurring at all, despite a huge record of evidence to the contrary, evidence that your agency has cited in many instances.

### **Geologic Conditions**

It is widely recognized in every report describing conditions in the Santa Cruz Mountains that elevated rates of soil erosion are a major problem for wildlife and water quality. These are core beneficial uses. It is not hard to understand this problem if one understands the geology of this mountain range. The soils are sandy and uncohesive; the rock is structurally weak and highly fractured by tectonic movement. These mountains are comprised of young uplifted ocean sediments. Over-steepened slopes are common, leading to continuing land-sliding. I have personally witnessed incisions of a meter in depth into a streambed during a single two-week storm series. These conditions combine with periodically intense rainfall to produce high levels of sediment discharge. Rainfall rates of 10 inches or more within 24 hours re-occur every few years, especially on higher terrain. Human use of this terrain accelerates erosion through various mechanisms. These include road construction, repair and grading for any reason, vegetation removal or conversion for development, logging, mining, animal keeping and agriculture. Hydromodification in this instance applies to how road systems, grading, and other landform modifications will change water flow patterns. Water flows concentrate in locations where they never did before the landscape was altered. All road cuts do this including the logging roads that most people never see. The effect can be reduced by careful planning but it cannot be eliminated.

Your Regional Board's TMDL estimate of sediment discharge from the 138 square mile San Lorenzo River watershed is 168,000 tons per year. This sand and silt is coming from somewhere. In a heavy rainfall year this number can increase by ten fold. The extensive roads and tractor skid trails that crisscross logging sites are a substantial source of sediments to streams. Fine sediments can travel long distances during rain to reach stream channels. These sediments are mobilized by any surface disturbance and do not need an apparent landslide to cause a problem. Road segments often become drainage channels, in part because they collect both surface and sub-surface water moving down slope. Road cuts interrupt sub-surface flow and spill it out onto the road. The "hydrologic disconnection" sometimes discussed in the regulation of forestry roads actually means (in part) removing the road segment where it crosses a watercourse so that the road itself does not become a watercourse.

Of course using track mounted excavators and the other heavy equipment necessary to do this has its own erosion consequences and these roads will be re-established for the next logging entry.

After rain stops, sediment transport may leave only small traces in a landscape during a single year. This is especially true during a drought like the one we have experienced for the last three years. In my experience only very knowledgeable people notice these effects. This is the essence of a non-point source of water pollution. Roads will also leave obvious "traces" such as cut-bank landslides. These slides continue to occur for centuries after a road is first cut in steep terrain. Virtually every logging plan ever written discusses the necessity of repairing road systems. These continuous repairs would not be necessary if these roads were as stable as your agency seems to think they are.

The problems with roads occur everywhere and are certainly not limited to clear-cuts. On terrain too steep for roads, the sensitivity to erosion is so intense that timber extraction by helicopter or highline cable still causes soil erosion. This is a poorly understood problem that receives little attention.

There are fundamental reasons why logging is a problem for sediment pollution. When one considers the large area upon which logging occurs in this mountain range, and the huge number of logging roads, tractor trails (skid roads) etc., it is ridiculous to assert, "that timber harvest operations are generally not or only minimally impacting water quality". It is likely that there have been improvements over the years in forest practice. One would certainly hope so. I have seen blatant neglect of the requirements to limit soil erosion, but trespass laws make filing a complaint very difficult.

### **General Conditional Waiver Enrollment**

Regarding changes to waiver enrollment, your staff report includes this following statement.

"This process yields small amounts of water quality protection in proportion to the amount of time staff spends on the task of reviewing all plans. Therefore, to more efficiently use Water Board staff's time, staff recommends that instead staff review only the highest priority plans as they are submitted to Cal Fire. Plans categorized by the Discharger as Tier IV by the Eligibility Criteria and / or plans located within water bodies that are listed on the Clean Water Acts Section 303(d) list or identified as impaired for sediment or temperature in an established TMDL will be considered highest priority."

There are significant problems with this suggestion. It is very unlikely that any Discharger will voluntarily categorize their own THP or NTMP as Tier 4. The simplistic idea that a forester or landowner would voluntarily subject themselves to Tier 4 monitoring requirements is foolish. Another part of the staff report states that all the information in the MRP is in the logging plan (THP).

This is true, however the analysis can take a couple of hours at least. It is not easily apparent what risk tier is involved. Also some of this is still subjective and needs to be done by the Regulatory Agency not the Discharger. Errors in assessment, whether intentional or not, will not be subjected to sanction. This is a thoroughly unenforceable provision that undermines the already lax enforcement stance of your agency. Secondly the other criteria for review including 303(d) listing can represent many more logging plans than the "3 to 5" loosely indicated in the following paragraph of the staff report. Currently here are about 18 logging plans in some stage of review or operation in the Coast Southern Sub-District. There appear to be an increasing number of logging plans in this area, as sites that were logged 10 to 14 years ago, during the logging boom of the 1990's, have become available to log again. It is unrealistic to assume the "3 to 5" plans will cover the obligations of your Regional Board in any one year.

### **Monitoring and Reporting Program**

Please remember that I and some associates including Jodi Frediani, Dennis Jackson, an attorney for the Ocean Conservancy, and others, spent up to two and a half years reviewing and commenting on this program. Two of us filed an appeal with the State Water Board challenging the final decision.

The proposal for changes to this program defines an extent of self-monitoring and self-enforcement that is astonishing. The following quote from your own staff letter seems to acknowledge this problem.

"A majority of Road Management Programs submitted to the Water Board do not include specific triggers for when the Dischargers should inspect the timber harvest areas during the years two through five monitoring period. Instead the Dischargers have asked Water Board staff to rely on the Discharger's best professional judgment for visual inspection frequency. This means that a Discharger may not inspect the harvest area even once during a given monitoring year."

It should be basic training for Regional Board employees, that regulated industries will nearly always resent the requirements imposed upon them by you. They will seek to evade or otherwise reject the requirements, especially when they are first imposed. This is human nature. I recall a news report from the 1980's San Francisco Chronicle that described how Chevron Corporation was substituting containers of tap water for effluent samples from their oil refinery. Chevron was obligated to supply these samples to the San Francisco Bay Regional Board and they faked it according to this story. I remember that the fine imposed was too small to be an effective deterrent. This is history. Will this history be repeated forever? Is this concept of self-monitoring somehow sacrosanct despite all the evidence that it does not work?

I have reviewed substantial parts of the monitoring records your agency has collected. I appreciate the responsiveness of Julie Dyer in sending the requested information to me. This letter is not the place for a thorough analysis of this data but I would like to

make a few comments. The photo monitoring records are quite interesting. Some foresters approached this requirement as if it was some kind of game and sent in images that had nothing to do with the Waiver program. Over time it seems that there was an improvement in the records. However none of the photo point records that I reviewed conform to the defined protocols. It is not entirely clear whether the absence of necessary information is related to the transfer of these images to a digital record, but what I could see did not have adequate information to be useful. Photos are not properly identified or “shot” from the same vantage point. The photo points themselves are not identified in most cases, so that when reviewing this record, there is often no way to determine what location the images show. The records are very incomplete even for plans that should be in the final monitoring year or closed out. The package of documents for this agenda item contains an oddly selective analysis of these records. It is as if the Regional Board had no real expectation of collecting legitimate photo monitoring records and just piled them up for safe keeping. The temperature and turbidity records are also confused in several cases, but generally not to the extent of the photos. This type of monitoring is really the job of trained scientists, not foresters, and certainly not foresters who have reason to make use of this program to make an essentially political point. This point seems to be “Don’t bug us for this, it’s a waste of time.” From a reading of the proposed changes, apparently the Discharges have convinced your agency to comply, instead of them!

Your agency should exercise more discretion in using this “data” to draw important conclusions. I have just read a letter to you from the CA Dept. of Fish and Game and the National Marine Fisheries Service commenting specifically on the temperature monitoring. This wildlife agency joint letter should be fundamental to any conclusions you might reach regarding this program. The Regional Board is not a biological sciences agency.

### **Visual Monitoring**

The following quote is from the staff report:

“The revised MRP replaces the need for the Discharger to develop a Road Management Program by specifying the visual inspection locations and frequency for years two through five. The Discharger, under the revised MRP, will be required to inspect all existing and newly constructed infrastructure.”

Following:

“This revision provides the Dischargers with specific visual monitoring intervals, guarantees that the Dischargers will inspect the plans areas at least once a year, and alleviates Water Board staff from the intensive and time consuming requirement to review and provide written approval for individual Road Management Programs which have been consistently inadequate.”

This form of visual monitoring is impossible to verify and hence completely discretionary in every practical sense. It takes self-monitoring to an extreme of implausibility while at the same time noting that the existing Road Management Plans have been "consistently inadequate"!

The staff report states that Regional Board staff have not found the time to provide written confirmation to Dischargers that they may proceed to year two monitoring but then asserts that the staff will "conduct such site inspections as necessary and appropriate". This statement is unconvincing from the point of view of the public and leaves one with the expectation that few such inspections will occur.

### **Photo Monitoring-Response**

The following quote is from the staff report:

"Each of the 300 photos depicts optimal field conditions. This type of categorical requirement has never resulted in Water Board staff identifying failed management practices or field conditions that could indicate a negative impact to water quality."

As I stated above, some of these photo sets are clearly a joke, others are more legitimate but none of these records I reviewed included information necessary to identify their location and also determine the date of the photo. I could not tell if this information might be available elsewhere, but it would need to be included in the record I had access to for that record itself to have any use. This form of uncorroborated self-monitoring is thoroughly unreliable. It was not combined with a verification process. It is akin to expecting drivers to report their moving violations to the highway patrol. Your Regional Board is proposing to abandon "storm event based photo monitoring" and to replace it with protocols that are even more amorphous and unverifiable.

### **Water Column Monitoring**

The discussion of turbidity monitoring in the staff report is bizarre. It uses circular logic to reach the conclusion that completely unverifiable visual monitoring is a preferable substitute. The Lompico Watershed Conservancy and its associates were always skeptical of the turbidity monitoring requirements adopted by the Board, in some cases for the same reasons described in the staff report (these comments are part of the record). This peculiar discussion ends with a statement that I take to mean that such monitoring is being terminated though the report does not specifically state this. Some clarity and directness would be appreciated.

### **Temperature Monitoring**

The discussion of temperature monitoring misses major points about effects upon stream temperature. Various watersheds in the Santa Cruz Mountains have quite different stream temperature conditions. Watersheds like San Vicente or Scott Creek



are entirely within the coastal areas and not subject to the heat effecting more inland watersheds. Nonetheless the joint NOAA-DFG letter points out water temperature problems for coho salmon in Scott Creek, a thoroughly coastal watershed. The upper watersheds of streams like Soquel Creek and the San Lorenzo River are many miles from the coast and can have air temperatures that are consistently warmer by 15F.

These very different areas should be evaluated differently. Secondly, temperature is usually not a problem in headwaters streams but becomes a problem in lower main-stems and lagoons. The cumulative effect of warmer water flowing down to these areas is the real problem, not the specific temperature at the headwaters creek location. In other words warming in the upper watershed may not be destructive there, but it affects conditions downstream where temperature does become a problem.

### **Priorities For the Regional Board**

The events surrounding THP 1-08-159 SCR are useful to this evaluation. This THP was reviewed by CDF and the Review Team. It proposed tractor yarding and log hauling throughout the winter. Both Santa Cruz County and the CA Dept of Fish and Game issued non-concurrence letters. Extensive negotiations ensued and the matter was brought to the Santa Cruz County Board of Supervisors. Eventually the forester withdrew these winter operations. All this controversy was essentially a water quality dispute but the Regional Board was nowhere to be seen. Your agency does not participate in THP review. This is where the operational details of a logging plan are worked out. Something is fundamentally wrong when the Regional Board takes no part in these affairs. I have consistently argued that your agency needs to play its role as a member of the Review Team. Considering the current condition of the Timber Waiver Program this situation should be obvious.

Region One North Coast is the expert in the review of this type of permit. They collect fees to use in the administration of the program. Many logging plans in this region are selection though clear-cutting is still common. Region One is doing CEQA review of its updated waiver. I fail to understand how your agency came to the conclusion that it is unnecessary. A CEQA process would provide the format for a thorough discussion of this matter.

### **Solution**

**Your agency needs to participate effectively in CDF review.** Monitoring itself is not the real goal and your program is disintegrating upon this dilemma. The goal is to prevent harm to water quality and to enforce the law. Harm in this case is a function of logging conduct. The decisions about how a logging plan will be carried out have already been made at the Review Team level before monitoring even takes place. The events of THP 1-08-159 make this obvious.

I watched as these monitoring protocols were worked out years ago. With the best of intentions, your agency attempted to establish monitoring that is inherently complex and difficult to administer. Your plan relied heavily upon a level of cooperation from the Industry that was unrealistic and when you did not get adequate cooperation with your monitoring plans, your response is to withdraw the requirements for this monitoring. This is not a solution if you have any intention of fulfilling your legal mandate.

**Your Regional Board should base this program upon active inspections and monitoring by you as the regulatory agency**, not upon an unenforced expectation of compliance. I recommend a fee schedule for permits. The costs to the Industry may really be the same. Self-monitoring, even if invalid, still takes time and money from the regulated industry. Why is the issue of fees so toxic? Inspections and enforcement are a much simpler, more reliable process.

**Your agency is legally obligated to follow the CA Environmental Quality Act and conduct the analysis necessary under this law to evaluate the impact of your proposed changes.** This matter has been difficult to resolve. The changes you have proposed merely reduce the involvement of your agency and define more self-regulation for the Timber Industry. These changes certainly do not protect water quality. I strongly object to both your conclusions and your proposed changes. **A completely new proposal is necessary to effectively administer this program.**

Regards,

A handwritten signature in black ink, appearing to read "Kevin Collins". The signature is fluid and cursive, written in a professional style.

Kevin Collins

31 May 2009

Julia Dyer

Central Coast Regional Water quality Control Board

895 Aerovista Place, Suite 101

San Luis Obispo, CA 93401-7906

Re: Recommended Modifications to the Regulation of Timber Harvest  
Activities by the Central Coast Regional Board

Dear Ms. Dyer,

I am a fishery biologist who has worked in the Central California coastal watersheds since 1981. I contributed fishery sections to half a dozen watershed assessment and enhancement plans for steelhead and/or coho salmon populations from Pilarcitos Creek in the north to Santa Rosa Creek in the south. I have commented on more than a dozen timber harvest plans in the Santa Cruz Mountains. I inventoried steelhead populations in Santa Rosa and San Simeon creeks for 15 consecutive years. I regularly use HOBO temperature probes and data in my watershed and lagoon monitoring activities. I have inventoried steelhead populations in the San Lorenzo and Soquel watersheds for 15 of the last 16 years and have monitored water temperature in both at various times. I have captured coho salmon in both watersheds since 2005. I used temperature data from the Mattole River (Welsh et al. 2001) to set enhancement goals for coho salmon in enhancement plans for these watersheds. I assessed habitat and contributed to a watershed plan for Gazos Creek, which had a coho population at that time.

I find it a complex exercise to establish acceptable water temperature optima for salmonids. Optimal temperature depends on food supply. Where food supply is high, water temperature optima increase. Food supply is greater in sunny lower portions of watersheds where streamflow and insect drift rate are maximal, allowing for faster growth rate at warmer temperatures within physiological limits. The optimal temperature range of 15–18°C used in the RB3 waiver staff report may be more appropriate for steelhead in small headwater streams where logging occurs but not for coho salmon. According to Moyle (2002), optimal temperatures for growth of rainbow trout (same species as steelhead) are around 15–18°C. In watersheds where coho are known to occur, we concur with the recommended water temperatures stated in the joint response letter (20 May 2009) from NOAA Fisheries/ CDFG. They recommend that for coho, maximum weekly maximum temperature (MWMT) of 16.5°C (61.7°F) is appropriate. Moyle (2002) stated that juvenile coho prefer and probably grow fastest at temperatures of 12–14°C. However, even for steelhead, we suspect that the optimal range of 15–18°C is intended as an instantaneous water temperatures and not in terms of 7-day rolling averages, which is the statistic graphed from the HOBO temperature data you analyzed. Due to diurnal fluctuations, if the 7-day rolling average is less than 18°C, the instantaneous water temperature may be higher than 18°C at the warmest time of the day. The 7-day rolling average may hide wide diurnal fluctuations. After perusing the data, we noted that 8 of 31 timber harvest (25%) in the three-year period of 2006-2008 caused water

temperatures to exceed 18°C. As part of the monitoring requirements for all timber harvests, HOBO temperature data with graphs of both the 7-day rolling average and the instantaneous water temperature should be required.

Furthermore, the statement in the waiver staff report that 18% of the data sets indicated that water temperatures exceeded the proposed optimal range indicates that logging may have negative impacts on fish habitat. If water temperatures are not optimal, then they are sub-optimal. And your report states that in every case, water temperatures downstream of logging operations were warmer than upstream. Some segments of perennial streams may have tolerable water temperatures for coho salmon only because of cooler water being added from tributary streams, which are periodically subject to logging adjacent to them. A case in point is the segment of East Branch Soquel Creek where NOAA Fisheries and D.W. ALLEY & Associates observed/ captured juvenile coho salmon in fall 2008, downstream of the cooler Hinckley Creek in the Olive Springs area. If logging is allowed to cause warming of Hinckley Creek, then the East Branch Soquel Creek may become too warm to provide habitat for juvenile coho salmon. This segment is already negatively impacted by water diversion, upstream and downstream, and riparian vegetation removal upstream by streamside residents. According the HOBO temperature data provided, the Olive Springs 2008 timber harvest caused downstream water temperatures to rise above 18°C for a month and at times above 20°C.

Even for juvenile steelhead inhabiting perennial, but low, streamflow conditions, any increase in water temperature will increase fish metabolic rate and food demand, thus increasing the potential for starvation. If logging occurs in headwater locations adjacent to smaller tributaries that feed small perennial, fish-bearing stream reaches, this rise in water temperature may increase starvation of young-of-the-year steelhead and slow the growth of others. This may be the case in upper reaches of Browns Valley and Corralitos creeks, as well as in Shingle Mill Gulch, a tributary to Corralitos Creek. Therefore, we recommend that the goal should be for logging operations to cause no increase in water temperature in watersheds that are used by steelhead and/or coho salmon due to the potential cumulative negative impact that an increase in water temperature may have upon perennial stream courses downstream. We additionally recommend that the RWQCB require water temperature monitoring of these downstream, fish-bearing perennial streams which are fed by streams adjacent to logging operations, besides water temperature monitoring immediately up- and downstream of timber harvests.

We recommend that a similar, no-increase-in-turbidity standard be the goal for logging operations. Here again, the potential cumulative impacts must be considered. Along the Central Coast, streambed substrate is often dominated by fine sediment due to a number of human induced factors and geology. Logging should not be allowed to add more sediment to already sediment-laden streams. In addition, turbidity monitoring should be done more quickly than proposed and immediately after, or even during rainfall events. There should also be a stipulation that stormflow must rise a certain factor above winter baseflow before turbidity measurements are initiated. Rainfall early in the wet season produces less runoff than later on. A two-inch rainfall event may be too small to detect erosion caused by logging operations. We recommend that turbidity measurements be taken after a 3 to 4-inch rainfall event as being more appropriate than after a 2-inch rainfall event that you require.

Finally, based on our 25 years of observing the impacts and violations of industries that mine and harvest natural resources in an unsustainable way, we believe it to be entirely inappropriate to allow a profit-motivated industry to monitor itself. Maintaining the public's trust that water quality will be protected for the common good is the responsibility of the RWQCB. Independent, qualified monitors who are chosen by the regulator and paid by industry participants should monitor impacts of logging and provide reports to the regulator. This is the only way that you may be assured that reliable data and observations will be forthcoming.

## References

Moyle, P.B. 2002. Inland Fishes of California. Univ. of Calif. Press. Berkeley. 502 pp.

Welsh, H.H., Jr., Hodgson, G.R., Harvey, B.C., and Roache, M.E. 2001. Distribution of juvenile coho salmon in relation to water temperatures in tributaries of the Mattole River. California N. Am. J. Fish. Manag. 21: 464-470.

Sincerely,

A handwritten signature in black ink that reads "Donald W. Alley, Jr. M.S." in a cursive script.

Donald W. Alley  
Certified Fisheries Scientist





# County of Santa Cruz

## HEALTH SERVICES AGENCY

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060-4073  
(831) 454-2022 FAX: (831) 454-3128 TDD: (831) 454-4123

ENVIRONMENTAL HEALTH

[www.co.santa-cruz.ca.us/eh/ehhome.htm](http://www.co.santa-cruz.ca.us/eh/ehhome.htm)

June 1, 2009

Roger W. Briggs, Executive Officer  
California Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

### **RE: PROPOSED MODIFICATIONS TO THE REGULATION OF TIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST REGION – RESOLUTION NO. R3-2005-0066**

Dear Mr. Briggs:

Santa Cruz County Water Resources staff has reviewed the Notice of Public Hearing for Recommended Modifications to the Regulation of Timber Harvest Activities in the Central Coast Regional by the Central Coast Regional Water Quality Control Board (Board). Given the current economic hardships facing the state budget it is understandable that all recourses including reduction of work program activities must be seriously considered. However, it is more important than ever that all of the review team agencies collectively participate to ensure protection of this renewal resource and the beneficial uses of water.

The County's comments are limited due to staffing time constraints. To meet the deadline for submission, these comments focus on general issues that staff feels deserve more attention by the RWQCB. Although these comments are the product of a critical evaluation, staff hopes that the RWQCB accept the intent of the comments as constructive.

#### General Comments:

- The review team process lends itself to interdisciplinary problem-solving that is best conducted with full participation of all members in the field during the pre-harvest inspection. More often than not, important geologic and drainage infrastructure and other issues that can affect water quality are discovered during the field review. It is County staff opinion that this is a better use of limited staff resources. Time spent on the waiver process could be reduced instead.

- Photo point monitoring versus photo monitoring: Photo points should be marked and documented during the review team's pre-harvest inspection.
- Investigate potential cost recovery measures. Are there potential mechanisms to recover RWQCB staff costs to allow for a higher allocation of staff time to the Timber Program?
- Addition of incentives for the implementation of resource protection measures beyond those required by the Forest Practice Rules: Examples of potential elective activities include, but aren't limited to the collection of pre-harvest baseline data; seasonal road abandonment; no-cut riparian buffers, no winter operations. The use of incentives to reduce the number of Timber Plans categorized under Tier IV and needing coverage under an Individual Conditional Waiver could be useful towards reducing the amount of staff time.

Thank you for the opportunity to comment. If you have any questions regarding the information included in this letter, please contact me at (831) 454-7580.

Sincerely,

*Original signature on file*

Donna Bradford  
Resource Planner IV





Santa Cruz County Group of the Ventana Chapter  
P.O. Box 604 Santa Cruz, California 95061 831-426-4453  
[ventana.sierraclub.org](http://ventana.sierraclub.org)  
[santacruz-staff@ventana.sierraclub.org](mailto:santacruz-staff@ventana.sierraclub.org)

June 1, 2009

Board Members  
Central Coast Regional  
Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

Dear Board Members,

We have reviewed the Staff Report on Recommended Modifications to the Regulation of Timber Harvest Activities in the Central Coast Region and find it does not provide the kind of analysis required under the California Environmental Quality Act (CEQA) as necessary for making such a substantial change to a regulatory program. CEQA requires a Lead Agency to prepare an Initial Study to determine whether a project may have a significant effect on the environment (California Code of Citations, (CCR) title 14, section 15063(a)). The Timber Waiver program is such a project and must be reviewed under CEQA. If the Initial Study does not show that there is substantial evidence, in light of the whole record before the agency, that a project may have a significant effect on the environment, a Negative Declaration may be prepared. If the Initial Study identifies potentially significant effects, but identifies revisions or conditions to mitigate the effects so that no significant effects would occur, a mitigated Negative Declaration may be prepared (CCR title 14, section 15070) and justified. This Staff Report does not include an Initial Study and is so deficient that it does not even make a basic determination that an Exemption from CEQA is being proposed.

Staff has been delinquent in preparing a sufficient analysis of the Waiver program to enable an informed review of the matter. Staff has not provided the essential data analysis to enable the public or your Board to make an informed decision. We urge your Board to direct Staff to prepare an Initial Study and the necessary environmental review required by the California Environmental Quality Act.

Please find attached the Initial Study prepared by the North Coast Regional Water Quality Control Board for their timber waiver revisions being proposed under Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region- ORDER NO. R1-2009-0038. **We expect the Central Coast Regional Water Quality Control Board to be no less diligent in adhering to California environmental law in preparation of revisions to their Waiver of Waste Discharge Requirements related to timber harvest activities.**

## **Inadequacy of Staff Report**

### Recommendations are not presented in a clear, centralized manner

We see this staff report as an internal work document. A report to your Board and the public should outline in a clear and comprehensible fashion the changes being proposed to the regulatory program. Under "Recommendations" at the conclusion of the Staff Report, should be a clear, concise list of proposed changes as elucidated elsewhere in the report. Instead we find a statement that, "*Staff recommends that the Water Board adopt the recommended changes as described in this report and its attachments.*" This puts an undue burden on the public and the Board to ferret out what those changes might be.

Attachment 2, Summary of Recommended Modifications, introduces terms (i.e., Timber Tracker, CIWQS, etc.) that have not been discussed or defined elsewhere in the report. It mixes the Water Boards timber harvest review activities with its proposed Waiver changes. The summary seems to focus on office management ("data management" and "paperless office") rather than on impacts to the environment as required by CEQA. Some sentences are incomprehensible such as this statement, "*Strength of MRP (sic) with visual and forensic monitoring with requirement to notify staff within 72 hours of finding a problem.*" Among other omissions, there is no identification of the proposed change that will allow the Discharger to determine which level of monitoring is appropriate, without review by Staff. This is an internal office flow chart, but does not inform us of the extent of the proposed changes being promulgated in this Modification package.

Attachment 4, identified in the Staff Report as Revised Notice of Intent (NOI) is not labeled as such. Under Landowner's Contact Information, there is no place for the Landowner's name. The Discharger is required to attach "eligibility criteria with worksheets", but there are no samples of these attached. There is no longer a requirement to identify the RPF who will be preparing the eligibility worksheets. Attachment 4 includes language that states, "Applications will only be considered complete and accepted for plans approved by Cal Fire." Page 3 of the Staff Report states that the NOI (Attachment 4) will be filled out upon approval of the plan by Cal Fire. However, page 3 also proposes revising the process, "requiring the Discharger to run their plan under the Eligibility Criteria prior to the Cal Fire PHI" and to notify staff if the plan is categorized as a Tier IV by the Eligibility Criteria. How will this notification take place?

The Revised Monitoring and Reporting Program, Attachment 5, is presented as a document with tracked changes, a format usually reserved for internal review. The standard procedure for presenting additions and deleted passages to a government document would be "cross-outs" and "underlines" within the body of the text. Clearly this is a work in progress and not ready for public review or a determination by your Board.

### **No Quantitative Summary of Current Waiver Program**

We were unable to find a simple concise summary of the number of THPs/NTMPs that CAL FIRE approved and that were enrolled under Order No. R3-2005-0066, the General

Conditional Waiver or under an Individual Waiver. A quick review of the CAL FIRE Felton office files show that fifteen THP/NTMPs were submitted in 2008, sixteen submitted in 2007 and nine submitted in 2009. In addition, previously approved NTMPs and THPs were required to enroll under Oder NO. R3-2005-0066. We would also expect to see the following statistics in such a summary to help us evaluate the success of the current program:

- Number of plans/acres enrolled in each Tier Level under the General Waiver
- Number of plans/acres enrolled in Individual Waivers
- Number of NOIs submitted that were incomplete and/or incorrectly ranked and number of plans that neglected to submit NOIs prior to commencement of timber operations.
- Number of violations ("occasionally" is insufficient info) by type
- Number of enforcement actions and success rate
- Number of failures leading to discharge/severity of discharges
- Number of data sets required vs. number received under the Monitoring and Reporting Program (MRP)<sup>1</sup>
- Number of PHIs that Staff attended (+ as a percent of plans approved by CAL FIRE)
- Number of post-harvest inspections conducted by Staff and dates of inspection
- Number of minor amendments submitted
- Number of Tier Rankings which changed as a result of minor amendments

Instead, we have lots of generalizations such as, "*....staff has conducted several plan area inspections at the end of year one monitoring.*" The MRP requires a staff inspection and written approval to end year one monitoring. Staff states that written notification was given just twice and that "*several more Dischargers are conducting year two monitoring strictly based on verbal confirmation from Water Board staff that they may proceed to the next monitoring phase.*" What about the rest of the Dischargers? Are they even conducting years two-five monitoring? Such statements in the Staff Report cause us to question whether staff has sufficiently participated in the program and/or has sufficient information to determine that the current waiver program is actually protecting water quality as required under the Federal Clean Water Act.

#### Problem Solving by Tossing the Baby out with the Bath Water

Repeatedly throughout the Staff Report, we are informed that the Dischargers did not comply adequately with the terms of the Waiver. The solution? Do away with requiring the

---

<sup>1</sup> The Staff Report identifies 33 data samples from 20 THPs for 5 years of monitoring. 20 x 5 should lead to 100 data samples.

Discharger to engage in the onerous task of preparing a complete and accurate Notice of Intent (NOI) for enrollment as well as a Road Management Plan. The message? Do your work badly and we'll reward you by removing the burden.

From our perusal of the Staff Report the following is being proposed:

- Staff will no longer review Notice of Intent Enrollment Applications for accuracy or completeness
- Discharger will determine Tier Level required
- Discharger will decide if an Individual Waiver is required
- Enrollment in General Waiver will be automatic
- MRP will be automatically terminated, without any site inspection
- Repeat "visual" monitoring (i.e. site visits by the Discharger), as well as temperature and turbidity monitoring may be required by the Executive Officer "as appropriate". There are no criteria set to define "appropriate".

### **Incorrect Goal Identified**

On page 1 of the Staff Report we are advised that the proposed changes are to regulate timber harvest activities in the "most efficient manner possible", when the goal should be to regulate in the most 'efficacious' manner possible to protect water quality.

Essentially, the Timber Waiver Program is being gutted in the interests of Staff efficiency. We are advised that there is insufficient funding to adequately manage the program. When the Waiver Program was originally developed, we recommended that fees be established to cover costs of administering the program, or at least to partially offset the cost. The North Coast Water Board currently issues primarily Waste Discharge Requirements (WDRs) for timber harvest plans in their region and assesses fees for the review. North Coast Staff are now recommending implementation of a fee for Waiver processing. We continue to urge your Board to require a fee for Waiver processing.

In the Recommendation portion of the Staff Report (pg 11) staff says, "*The improved efficiency of the timber harvest regulatory program will provide the opportunity for an increase in compliance inspections, further ensuring water quality protection because staff will focus more time on tangible outcomes of the management and regulation of timber harvest operations instead of review and preparation of documents.*" This is backwards.

The best way to protect water quality is to be pro-active. The best way to do that is for Staff to participate actively in the THP CEQA review process, attend Pre-harvest Inspections, prepare written recommendations to improve practices protective of water quality, non-concur if those practices are not incorporated into the THP, and where applicable, impose additional management practices via the waiver process to ensure that water quality is not compromised in the first place. Compliance inspections will most likely take place only after the discharge has occurred.

We are also disturbed by a conversation with staff in which we learned of an instance where the Discharger neglected to enroll in the Waiver program, and a compliance inspection to determine if discharges had occurred was conducted by Staff in late summer at a time when it is not possible to determine if a discharge took place. Discharges largely occur after significant amounts of precipitation mobilize sediment.

#### Recommendation to evaluate success of the program

Staff says one indicator to evaluate whether the new waiver is successful will be a "reduction in incomplete applications". We are unclear how this will be determined, since it appears that applications will no longer be evaluated by Staff for completeness. Enrollment will be automatic. (pg 3)

We are also not sure how a reduction in incomplete applications will assure protection of water quality.

#### **Proposed Modifications Will Not Protect Water Quality**

The California Department of Fish and Game in conjunction with the National Marine Fisheries Service has submitted an excellent comment letter outlining how Water Board Staff have used an improper temperature model and threshold to arrive at the conclusion that timber harvesting in the Central Coast is not harming fish habitat, health and/or the survivability of coho salmon, which are on the verge of extinction. In light of this information, Staff needs to redo and revise their temperature data analysis before concluding that water quality is being adequately protected by current forest practices.

#### Elimination of Proper NOI Review

Currently staff determines if the Notice of Intent (request to enroll) is complete and accurate. Staff is recommending doing away with this review. Instead, Dischargers will now determine whether they qualify for a General Waiver or an Individual Waiver. How will Staff know that the information provided regarding Tier Level qualification is accurate??? If there is no oversight, why would a Discharger voluntarily admit that an Individual waiver is needed? Staff claims that their exhaustive review for accuracy and incompleteness yields little to no water quality protection. How many NOIs were found to be incomplete? How many were inaccurate? How many dischargers began logging without applying for a Waiver? Where is the quantitative analysis to back up these claims?

#### Photo Monitoring

Photo monitoring is useless unless it is Photo Point Monitoring. Comparing "300 photos" to staff PHI photos (no photo points apparently established in either case) is silly and a waste of time. According to perusal of these photos by Kevin Collins, Lompico Watershed Conservancy, no photo point markers were visible in the photos provided by Dischargers, even though clear protocols were set forth in the MRP and to be followed.

The revised MRP *"requires the Discharger to conduct storm-event based "photo monitoring" at location(s) and frequencies to be established by the Water Board's Executive Office during or after the pre-harvest inspection".* (pg 5) **However, staff has stated elsewhere that only**

**3-5 pre-harvest inspections will be attended by Water Board staff per year. Can we conclude that a maximum of three to five THPs/NTMPs will be required to conduct 'photo monitoring' or any monitoring other than two visual site visits per year?**

The staff report is conspicuously silent regarding discharges, providing no discussion of what was learned from photo monitoring conducted as part of forensic monitoring and violation reporting. (pg6) We request that data be provided for these items.

#### Water Column Monitoring

Staff makes an incorrect assumption in using Cal Poly's pre-harvest (i.e. 'natural') conditions turbidity monitoring levels of 800 NTUs following large storm events as a 'baseline' throughout the region. (pg 6)

Cal Poly had to abandon their baseline station due to an active, upstream landslide which produced turbid conditions visible to the eye during mid-summer. While this may be 'natural' and 'pre-harvest' it is not an appropriate standard to use. Nor does it take into account the needs of anadromous salmonids. Staff accurately states that chronic turbidity of as little as 25 NTUs causes a reduction in growth of steelhead and coho salmon. (pg 7) Studies by William Trush (McBain and Trush) have shown that the reduction in size from chronic turbidity as low as 25 NTUs also adversely affects the survival rate of smolts.<sup>2</sup> Just a few centimeters difference in size has a huge impact on return rates.

Staff has erroneously set as a standard of protection the following: "*When the threshold of either sample in a data pair exceeds 25 NTUs and downstream sample shows a greater than 20 percent increase from upstream sample, instream conditions may be negatively impacting salmon and trout as a beneficial use of waters of the state.*" (pg7)

Research cited by Staff shows that 25 NTUs without any increase reduces fish growth, thereby creating an adverse effect on salmonids.

The Staff Report notes that while five percent of data pairs exceeded the threshold increase, the data range on 369 data pairs was as high as 834 NTUs. Again staff erroneously concludes that these conditions are satisfactory since they are "consistent with pre-harvest data collection" from Cal Poly, which showed NTU readings of 800 NTUs in an impaired reach of one watershed.

Water Board staff are ignoring the cumulative effects of increased turbidity on salmonid survival rates in their conclusions.

Roads and culvert crossings are known to consistently contribute sediment to streams to the detriment of salmonids. The North Coast Waiver requires that all roads be hydrologically disconnected from streams post harvest. That waiver also requires an Erosion Control Plan (ECP) for all harvests and is proposing that the whole area of an NTMP be included in the ECP, not just the area operated on. By contrast, Central Coast Staff

---

<sup>2</sup> Watershed Condition, Turbidity, and Implications for Anadromous Salmonids in North Coastal California Streams, Klein, Randy, Trush, Dr. William, Buffleben, Matthew, P.E. (NCRWQCB) 2008

is proposing to drop the requirement of a Road Management Plan because those submitted were "woefully inadequate".

Central Coast Staff makes the statement that "*turbidity data from crossings do not indicate a significant effect on water clarity or sediment load*" without even providing a quantitative summary of data submitted by the Dischargers. One graph with eight data sets (pg 8) from one THP does not provide information that can be extrapolated for the whole monitoring program. We find it curious that Staff would use this particular data set as an example since it is missing data for one whole year (out of five) and includes only one data set for a second year.

### Temperature Monitoring

We will keep our comments brief regarding temperature as we are in agreement with the comments submitted by the National Marine Fisheries Service and the California Department of Fish and Game.

Staff continues to make statements that lead us to believe that either Staff is simply trying to find a way to reduce participation in the timber waiver program to meet financial constraints, or truly does not understand stream systems. We are not sure what Staff is getting at by telling us that some samples are collected upstream of fish bearing reaches. If those temperatures are too high, or insufficiently cool, those waters may adversely impact the waters of fish bearing reaches downstream. Data is available showing that temperatures are too high in some Class I streams. Yes, Dischargers may not have control of all conditions, but again, that is not relevant.

We do not understand the summary numbers that have been provided: 33 temperature sample sets for 20 THPs over five years. We understand that monitoring should have been conducted on all 20 plans during each of the five years of the MRP. That should have given 100 sample sets. Where are the rest?

Lethal limit is not an appropriate temperature threshold for discussion. (pg 9)  
Approximately 20% of the samples collected had temperatures that exceeded optimal temperature ranges for an average of ten days. Those were based on mean weekly averages rather than maximum weekly maximum averages. The latter more useful calculations will give an even worse result for the fish. One hundred percent of the data sets showed the downstream temperatures warmer than the upstream counterparts. Given that most plans cover a small portion of the watershed, this is significant, yet staff concludes that temperature monitoring will be required on a 'limited basis' only. Coho are going extinct. Protection of beneficial uses should lead to recovery, not a thin lifeline to a species population about to blink out on our watch.

We request that graphs summarizing all of the temperature data supplied by Dischargers on which Staff based their conclusions be included in a summary to be attached to an Initial Study.

## Road Management Plan

The current Waiver mandates a minimum of three visual inspections, triggered by storm-events during the active harvest period through one year after harvest is completed. From year two through five years after harvest completion, the inspections are consistent with the Road Management Program developed by the Discharger and approved by the Water Board's Executive Office. On page 4 of the Staff Report we learn, "*A majority of Road Management Programs submitted to the Water Board do not include specific triggers for when the Dischargers should inspect the timber harvest areas. Instead the Dischargers have asked the Water Board staff to rely on the Discharger's best professional judgment for visual inspection frequency. This means that a Discharger may not inspect the harvest area even once during a given monitoring year. This is not protective of water quality.*"

Elsewhere (pg 4) we are told that the, "*individual Road Management Programs ...have been consistently inadequate.*" **Why were these programs approved by the Executive Officer if they were 'consistently inadequate'?** Why is the solution to simply do away with the requirement for a Road Management Program (RMP), rather than requiring RMPs that are adequate and protective of water quality?

Requiring that Dischargers will inspect the plan areas at least once a year is preposterous and completely inadequate. No landowner can be assured that roads and crossings are intact and NOT DISCHARGING based on a single annual inspection. One in the summer and another in the winter is equally inadequate.

## **Public Process**

We are quite concerned that the public has not been adequately noticed regarding this project. Initially, staff sent the proposed package to the interested parties list. We contacted staff with significant questions only to learn that the staff report had not been included. We asked that the whole package (with staff report) be posted to the web, so other interested parties could access the documents.

The waiver package was then posted, but not on the home page along with other documents currently under review and open for public comment. The timber waiver package was noticed under Timber Harvest as up "*for consideration by Central Coast Water Board at July 10, 2009 meeting in Watsonville, CA.*" There is no indication that this package is "*Available for Public Comment.*" The 303(d) list and Basin Plan Review are so noticed, why is the timber waiver program exempted from such notification and thus sailing beneath the radar?

## **THP Participation by Regional Water Board**

We continue to be disappointed that Staff has not been fully engaged in the CAL FIRE THP review process, only attending some PHIs, producing no PHI reports, no written recommendations, and rarely, if ever, attending Second Review. We were exceptionally frustrated that the Water Board was absent for the review of the Eureka Gulch West THP, 1-08-159 SCR. Both DFG and the County filed non-concurrences on this plan because it proposed winter operations with no cut off date or rainfall amount. The plan is in the



Corralitos Creek Watershed for which a TMDL has been prepared. There is a numeric target of 90% sediment reduction from roads, including timber roads. The THP neglected to mention that a TMDL exists for the watershed, never mind discuss how the plan would comply with the goals and targets set by the TMDL. We continue to wonder why the Water Board was not engaged. Non-concurrences by three agencies would have carried much greater weight. The collaborative process can be effective, but only if the responsible agencies participate.

The Forest Practice Rules include specific rules granting extra authority to the California Regional Water Quality Control Board such as CCR 916.10. But they will only come into play if the Water Board shoulders its responsibility and participates in the plan review. 916.10 (b) will mandate a "*post-harvest evaluation of the effectiveness of the mitigations and practices designed to protect the domestic water supply as a condition of plan approval,*" "*at the request of the California Regional Water Quality Control Board.*" Yet the Water Board chose not to participate in the review of this THP. The City of Watsonville draws drinking water from Corralitos Creek downstream of the above mentioned logging.

Review of 3-5 THPs per year is completely inadequate. There are currently 18 plans under review at the Felton CAL FIRE office. Reliance on industry to voluntarily determine that a plan requires an Individual Waiver, or on 'complaints' is foolhardy at best, and irresponsible at worst. Essentially, staff is proposing relinquishing its responsibility to protect water quality by backing out of participation in the timber harvest review process. We find this unacceptable. All other responsible agencies participate fully in the THP review process, including the Department of Fish and Game, the California Geologic Survey and the various counties.

We have attempted to show the many ways in which the current proposal is inadequate to determine that water quality is being protected by current timber practices, and that evidence exists to the contrary. It is very difficult for us to respond to the specifics of the modification proposal in its current form. Thus, we urge your Board to direct Staff to prepare an Initial Study and the necessary environmental review required by the California Environmental Quality Act.

Thank you for the opportunity to comment,



Jodi Frediani  
Environmental Forest Consultant



*California Environmental Quality Act*  
(CEQA)

INITIAL STUDY

Supporting the Preparation of a Mitigated Negative Declaration

for

Revision of Categorical Waiver of Waste Discharge Requirements for Timber  
Harvest Activities on Non-Federal Lands in the North Coast Region

April 7, 2009

California Regional Water Quality Control Board, North Coast Region  
**5550 Skylane Blvd.**  
**Santa Rosa, CA**  
**95403**

*Prepared By:*

California Regional Water Quality Control Board, North Coast Region  
Nonpoint Source Pollution Control Unit

*Contact:*

James Burke  
707-576-2289  
jburke@waterboards.ca.gov

## TABLE OF CONTENTS

Project Description .....	1
Specifics of Proposed Project .....	2
Purpose of and Need for Project .....	2
Consistency with Plans and Policies for Water Quality Protection .....	2
Environmental Setting .....	3
Discussion of Potential Effects .....	5
Initial Study/Environmental Checklist .....	9
Determination .....	10
Evaluation of Environmental Impacts .....	12
References .....	36

### **Figures**

Figure 1: Project Area .....	4
------------------------------	---

## PROJECT DESCRIPTION

This project involves revising the *Categorical Waiver of Waste Discharge Requirements for Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Order No. R1-2004-0016 [2004 Non-Federal Timber Waiver]), by adopting and implementing a revised Non-Federal Timber Waiver (revised Non-Federal Timber Waiver). The revised Non-Federal Timber Waiver will supersede the 2004 Non-Federal Timber Waiver. Specific categories of Projects that were previously enrolled under the 2004 Non-Federal Timber Waiver will be automatically enrolled under the revised Non-Federal Timber Waiver following its approval by the North Coast Regional Water Quality Control Board (Regional Water Board). Non-Industrial Timber Management Plans would be required to enroll in the revised Non-Federal Timber Waiver after one year after it is approved by the Regional Water Board and prior to their next notice of timber operations.

The Regional Water Board may waive the requirement for persons or entities proposing timber harvest projects to submit Reports of Waste Discharge and/or obtain Waste Discharge Requirements for discharges, or threatened discharges, of wastes (such as: earthen materials (i.e., soil, silt, sand, clay, and rock), and organic materials (i.e., slash, sawdust, and bark) resulting from timber harvest activities in the North Coast Region, provided the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. The revised Non-Federal Timber Waiver identifies five categories of activities described by eligibility criteria for each category. To be eligible for the revised Non-Federal Timber Waiver, persons must comply with specific criteria and conditions set forth to ensure that impacts to water quality remain at less than significant levels.

The definition of **timber harvesting activities** for the purpose of this project is:

commercial and non-commercial activities relating to forest management and timberland conversions. These activities include the cutting or removal or both of timber and other solid wood forest products, including Christmas trees, as well as, but not limited to, construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, watercourse crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; burned area rehabilitation; site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities; but excluding preparatory tree marking, surveying or road flagging.

The revised Non-Federal Timber Waiver will apply to these activities throughout the North Coast region.

## **SPECIFICS OF THE PROPOSED PROJECT**

Proposed revisions to the 2004 Timber Waiver include both minor changes (i.e., grammar and document organization) as well as more substantial changes (i.e., revising the categories, eligibility criteria, and application and enrollment procedures, and monitoring requirements). The scope of the environmental analysis within this Initial Study is limited to these proposed changes.

The revised Non-Federal Timber Waiver is attached to this Initial Study.

## **PURPOSE OF AND NEED FOR PROJECT**

The purpose of the project is to revise the 2004 Non-Federal Timber Waiver, which expires on June 23, 2009, to protect water quality, clarify waiver requirements, and facilitate compliance with waiver conditions. These proposed revisions are being made based on Regional Water Board experience with implementation and oversight of the 2004 Non-Federal Timber Waiver over the past five years and to changes in response to changing conditions, such as, declines in populations of anadromous salmonids and increased listings for under Section 303(d) of the Clean Water Act for impairment due to elevated water temperatures.

## **CONSISTENCY WITH PLANS AND POLICIES FOR WATER QUALITY PROTECTION**

Under this revised Non-Federal Timber Waiver, the Regional Water Board will continue to waive waste discharge requirements for specified discharges associated with timber harvest activities within the North Coast Region. Similar to the 2004 Non-Federal Timber Waiver, the revised Non-Federal Timber Waiver will be conditional and may be terminated at any time by the Regional Water Board pursuant to Water Code section 13269, subdivision (a)(2). To ensure that the revised Timber Waiver is in the public interest and consistent with the Basin Plan, new or modified eligibility criteria and general and specific waiver conditions are proposed for the revised Timber Waiver, in accordance with the Water Code section 13269, subdivision (a)(1).

The general and specific conditions proposed for each revised Timber Waiver category are designed to ensure that activities carried out under the revised Non-Federal Timber Waiver will not adversely impact water quality. Notification and application requirements provide a mechanism for Regional Water Board staff to provide feedback on timber harvest proposals to ensure eligibility and compliance with conditions of the Non-Federal Timber Waiver and that management measures are implemented and effective to avoid water quality impacts. Monitoring and reporting requirements are intended to further ensure compliance and to verify the adequacy and effectiveness of the revised Non-Federal Timber Waiver's conditions.

The revised Non-Federal Timber Waiver does not limit or change the existing authorities or responsibilities of other agencies. For example, on private timberlands, CAL FIRE is the lead agency for issuing permits to timberland owners and operators performing

vegetation management activities within the project area. As the lead agency for timber harvesting activities, CAL FIRE's process has been deemed by the California Resources Agency as a CEQA functionally equivalent process. On lands owned and/or managed by the State of California (i.e., California Department of Parks and Recreation), timber activities are not regulated by CAL FIRE, so that enrollment in the Waiver to conduct timber harvest activities cannot be approved until additional environmental analysis in compliance with CEQA has been completed.

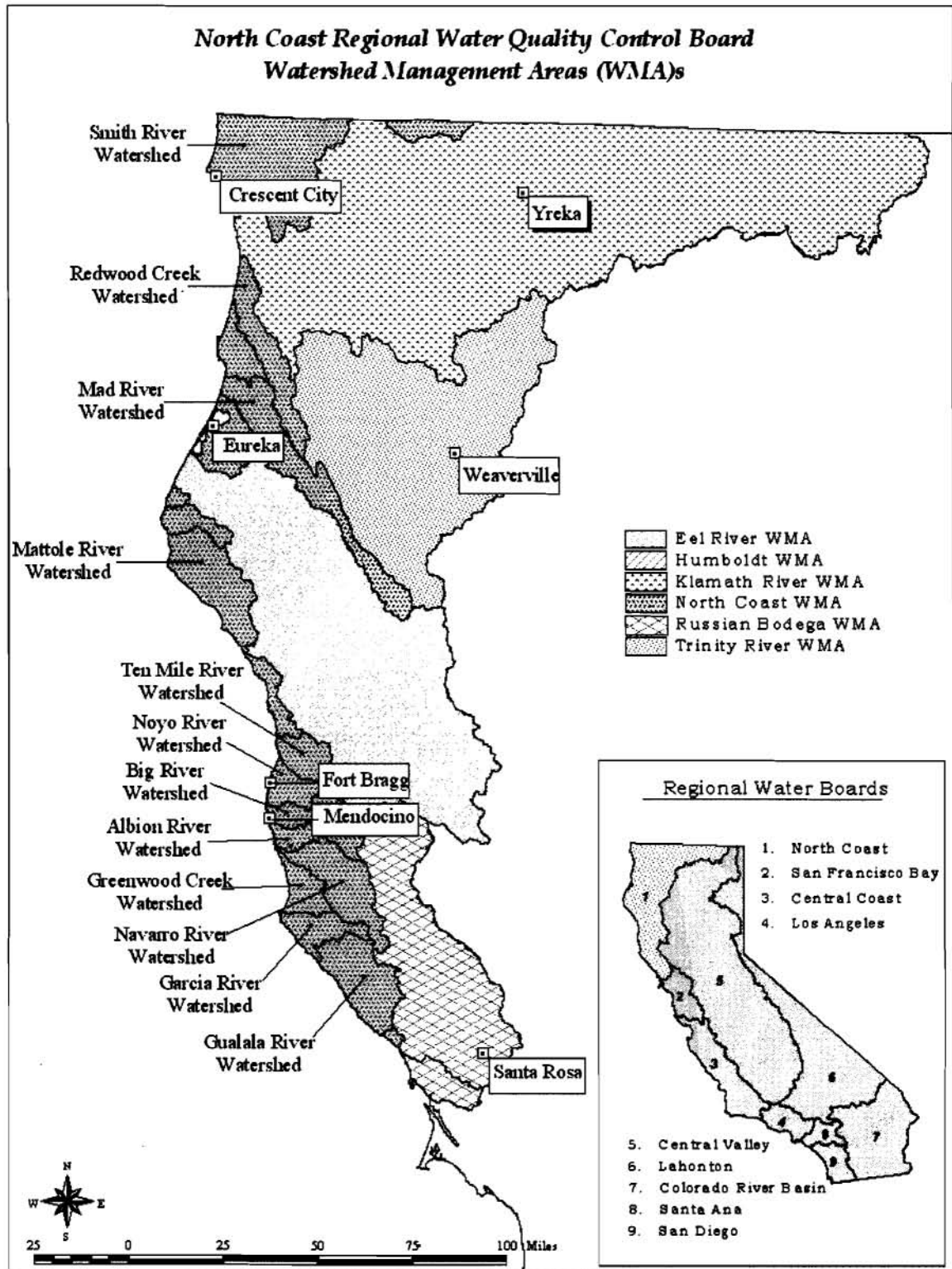
As described above, the proposed project is consistent with applicable plans and policies regarding water quality protection in the North Coast Region. The Regional Water Board proposes to make a determination that the timber harvest activities conducted in compliance with the conditions described within the revised Non-Federal Timber Waiver are consistent with the Water Quality Control Plan for the North Coast Region (Basin Plan) and is in the public interest pursuant to Water Code section 13269, subdivision (a)(1).

## **ENVIRONMENTAL SETTING**

The North Coast Region (Figure 1), which comprises all watersheds, including Lower Klamath Lake and Lost River Basins, draining into the Pacific Ocean from the California-Oregon state line on the north, and the boundary of the watershed of the Estero de San Antonio and Stemple Creek in Marin and Sonoma Counties to the south. The North Coast Region encompasses a total area of approximately 19,390 square miles, including 340 miles of scenic coastline and remote wilderness areas, as well as urbanized and agricultural areas. The region is divided into two natural drainage basins, the Klamath River Basin and the North Coastal Basin and includes jurisdiction of all of Del Norte, Humboldt, Trinity, and Mendocino Counties, major portions of Siskiyou and Sonoma Counties, and small portions of Glenn, Lake, and Marin Counties.

The North Coast Region is characterized by distinct temperature zones. Along the coast, the climate is moderate and foggy and the temperature variation is not great. For example, at Eureka, the seasonal variation in temperature has not exceeded 63°F for the period of record. Inland, however, seasonal temperature ranges in excess of 100°F have been recorded. Precipitation over the North Coast Region is greater than for any other part of California, and damaging floods are a fairly frequent hazard.

Ample precipitation in combination with the mild climate found over most of the North Coast Region has provided a wealth of fish, wildlife, and scenic resources. The mountainous nature of the Region, with its dense coniferous forests interspersed with grassy or chaparral covered slopes, provides shelter and food for deer, elk, bear, mountain lion, furbearers and many upland bird and mammal species. The numerous streams and rivers of the Region contain anadromous fish, and the reservoirs, although few in number, support both coldwater and warm water fish.



**Figure 1: Project Area (North Coast Region)**



## **DISCUSSION OF POTENTIAL EFFECTS OF PROPOSED PROJECT**

CEQA requires a Lead Agency to prepare an Initial Study to determine whether a project may have a significant effect on the environment (California Code of Regulations, (CCR) title 14, section 15063(a)). A "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CCR 14, section 15382). If the Initial Study does not show that there is substantial evidence, in light of the whole record before the agency, that a project may have a significant effect on the environment, a Negative Declaration may be prepared. If the Initial Study identifies potentially significant effects, but identifies revisions or conditions to mitigate the effects to a point where clearly no significant effects would occur, a Mitigated Negative Declaration may be prepared (CCR title 14, section 15070).

The Regional Water Board has waived waste discharge requirements for timber harvest activities since 1988. Currently timber harvesting plans that meet certain condition are waived under Order No. R1-2004-0016, which was approved by the Regional Water Board on June 23, 2004. Based on an Initial Study and Negative Declaration, the Regional Water Board determined that the 2004 Non-Federal Timber Waiver would not result in significant adverse environmental impacts, either individually or cumulatively. The revised Non-Federal Timber Waiver contains substantive changes over past Timber Waivers in several areas. This initial study evaluates the potential impacts that could result from changes made to the 2004 Non-Federal Timber Waiver. In general, these changes are intended to provide increased protection to water quality. Substantive changes include:

- Development of Erosion Control Plans (ECP) will be required for an entire area of a new Non-industrial Timber Management Plan (NTMP) prior to seeking coverage under the revised Non-Federal Timber Waiver. Previously, the ECP was required only for those portions of a NTMP Project area where harvest operations occurred. As such, controllable sediment discharge sources could potentially fail and discharge before they were identified and treated. The new requirement will increase the likelihood that potential sediment discharge sources will be identified and treated prior to failure.
- A new requirement that ECPs be developed and implemented for Timber Harvesting Plans (THP). The new requirement will likely result in identification of additional controllable sediment discharge sites to be corrected from a larger land base.
- Winter period inspections of the Project area will be required along with the submittal of an annual report to the Regional Water Board. This new requirement is intended so that Project proponents monitor Project areas to ensure measures to prevent and minimize sediment discharges are effective, to identify and correct problems in a timely manner, and to provide a feedback mechanism to the Regional Water Board

on the effectiveness of conditions of the Non-Federal Timber Waiver. This will likely increase the effectiveness of ECPs in controlling sediment discharge.

- Once timber harvest activities are completed, roads on THPs and NTMPs will now be required to be hydrologically disconnected from watercourses, to the extent feasible. Hydrologically disconnecting roads consists of minimizing alteration of natural drainage patterns and preventing concentrated storm runoff from discharging into watercourses. Other erosion control treatments will be required for road segments that cannot be hydrologically disconnected from watercourses to prevent and minimize surface erosion. This will likely reduce the potential for sediment delivery to watercourses from surface erosion on roads on a greater land base than previous waivers.
- Long term management plans for roads (Road Plan) will now be required to be developed for all NTMPs. The goal of Road Plans is to prevent and minimize sediment discharge from roads by ensuring that roads and road watercourse crossings meet current standards and are maintained on a regular basis. The Road Plan requires Project proponents to submit an inventory of roads and road watercourse crossings as well as an implementation and maintenance schedule for upgrading road segments that do not meet current standards. A time schedule for compliance with this condition is included in the Waiver.
- Conditions intended to comply with the Regional Water Board water temperature objective are added, with the option to propose an approach for meeting that objective or comply with increased overstory canopy within stream riparian areas. In lieu of an acceptable approach to meeting the temperature objective for natural stream temperatures, an 85% overstory canopy will be required within the first 50 feet of watercourses that have cold-water beneficial uses or are within 1000 lineal feet of a fish bearing streams (defined as Class II watercourse and lake protection zone (WLPZ) in the Forest Practice Rules) and 65% retention within the remainder of the WLPZ. The 2004 Non-Federal Timber Waiver required 70% overstory canopy throughout the entire Class II WLPZ for THPs. No specific conditions applied to WLPZ canopy retention for coverage of NTMPs under the 2004 Non-Federal Timber Waiver. This is intended to preserve and restore natural shade and comply with the Basin Plan temperature objective.
- Additional retention of trees that provide shade to Class I and Class II streams during critical summer months (i.e. June, July, August, and September) will be a condition for waiver coverage for THPs and NTMPs. Reduced shade requirements may be proposed, based on site specific conditions, when it can be demonstrated to the satisfaction of the Regional Water Board that such alternative provide equal or better protection. The shade requirement may extend outside the WLPZ when the overstory canopy within the first 75 feet of a Class I WLPZ (50 feet for Class II WLPZs) is less than 85% or the majority of trees are below their full site potential height, or when the overstory canopy beyond the first 75 feet of a Class I WLPZ (50 feet for Class II WLPZs) is less than 65% or the majority of trees are below their full

site potential height. The 2004 Non-Federal Timber Waiver did not contain conditions for retention of shade trees beyond the Forest Practice Rules. This is intended to meet the region wide Basin Plan temperature objective.

- When even aged harvesting methods are proposed for THPs and NTMPs, post harvest stocking standards (the amount of trees remaining after harvesting) outside of the WLPZ will be required to be at least 65%, and be made up of commercial tree species at least 30 feet in height. This post harvest stocking requirement was 75% in the 2004 Non-Federal Timber Waiver. This resulted in greater canopy retention *outside* of the WLPZ than that required within the WLPZ. This has been modified for the sake of consistency, while still being protective of water quality. The Forest Practice Rules do not allow even aged harvesting methods on NTMPs, and therefore, this specific condition does not apply to NTMPs.
- A new eligibility criterion is proposed in the revised Non-Federal Timber Waiver that allows even-aged (i.e. clearcutting) harvesting methods, which maintain a canopy closure of less than 65%, comprised of commercial species at least 30 feet in height, providing the Project includes a riparian management zone (RMZ) within 300 feet of a Class I watercourse, 200 feet from a Class II watercourse, and 100 feet of a Class III watercourse. Prescriptions within the RMZ include; no harvest for the first 30 feet on Class I and II watercourses and 10 feet for Class III watercourse, retention of 85% total canopy between 30 and 150 feet from Class I watercourses, 30 and 100 feet of Class II watercourses, and 50 feet of Class III watercourses; and retention of 65% total canopy between 150 and 300 feet Class I watercourses, 100 and 200 feet of Class II watercourses, and 50 and 100 feet of Class III watercourses. This will likely increase the number of harvest plans that will be eligible for the Waiver while ensuring that timber harvesting activities do not pose a significant threat to water quality.

Overall, proposed changes in the revised Non-Federal Timber Waiver are intended to meet Basin Plan objectives, prohibitions, and action plans, and protect, maintain, and restore water quality. However, some of the proposed changes could have short term effect on the environment in the project area as compared to current timber harvesting activities waived under the 2004 Non-Federal Timber Waiver. For example, expanding the requirement of erosion control plans for timber harvest plans as well as NTMPs, could result in short term impacts to water quality caused by the disturbance associated with repair of sites that may be stable in the near term. In developing the revised Non-Federal Timber Waiver, additional criteria and conditions, and monitoring requirements have been considered to ensure that the activities that proceed under the revised Non-Federal Timber Waiver will not result in significant impacts. These criteria and conditions limit the scope, extent and nature of activities that are eligible for the revised Non-Federal Timber Waiver. Monitoring requirements will evaluate the efficacy of these stipulations in protecting water quality.

Therefore, activities that are designed and implemented to comply with the conditions and criteria of the revised Non-Federal Timber Waiver will have less than significant impacts on the environment. Project proponents of timber harvesting activities that are

not designed (or revised) to meet the conditions and criteria for this revised Non-Federal Timber Waiver must file a Report of Waste Discharge with the Regional Water Board, containing discharge-specific information as required. Regional Water Board would then consider whether to issue an individual waiver, or Waste Discharge Requirements for that activity.

Further, as noted above, the revised Non-Federal Timber Waiver would not limit or change the existing requirements, authorities, or responsibilities of the Regional Water Board and other agencies, nor does it allow discharges which would result in Basin Plan violations, or the creation of a pollution or nuisance. Where applicable, these requirements and authorities of other agencies are described in the following checklist.

For each CEQA factor, the Regional Water Board evaluated potential environmental effects from proposed changes from the 2004 Non-Federal Timber Waiver. The following checklist describes the criteria and conditions included in the proposed revised Non-Federal Timber Waiver to reduce potential impacts to less than significant levels.

## INITIAL STUDY/ENVIRONMENTAL CHECKLIST

1. **Project title:**  
Categorical Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest Activities on Non-Federal Lands in the North Coast Region.
2. **Lead agency name and address:**  
California Regional Water Quality Control Board, North Coast Region (Regional Water Board)  
5550 Skylane Blvd.  
Santa Rosa, CA 95403
3. **Preparer and phone number:**  
Jim Burke, (707) 576-2289
4. **Project location:** North Coast region (Figure 1), which comprises all basins including Lower Klamath Lake and Lost River Basins draining into the Pacific Ocean from the California-Oregon state line southerly to the southerly boundary of the watershed of the Estero de San Antonio and Stemple Creek in Marin and Sonoma Counties.
5. **Project sponsor's name and address:**  
North Coast Regional Water Board  
5550 Skylane Blvd.  
Santa Rosa, CA 95403  
Attn: Jim Burke
8. **Brief Description of project:**  
This project involves the revision of the existing Non-Federal Timber Waiver (Order No. R1-2004-0016) by the adoption and implementation of a Board Order that will continue to conditionally waive waste discharge requirements for specified discharges associated with timber harvesting activities within the North Coast Region.
9. **Surrounding land uses and setting:**  
Rangeland grazing, recreation, gravel mining, timber harvest, irrigated agriculture, open space, and urban uses.
10. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.)  
Projects enrolling in this Categorical Waiver must first be approved by Cal Fire, having undergone a CEQA functional equivalent environmental review process, or otherwise be in compliance with CEQA. This Categorical Waiver may be superseded by the adoption by the State Water Board or Regional Water Board of specific waste discharge requirements or general waste discharge requirements for types of discharges covered by this project.

This project does not preclude the need for persons conducting timber harvest activities to obtain permits which may be required by other local, state and federal governmental agencies.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors marked below would be potentially affected by this project, as indicated by the checklist on the following pages.

	Aesthetics		Agriculture Resources		Air Quality
X	Biological Resources		Cultural Resources	X	Geology Soils
	Hazards & Hazardous Materials	X	Hydrology/Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population/Housing
	Public Services		Recreation		Transportation/Traffic
	Utilities/Service Systems	X	Mandatory Findings of Significance		

**DETERMINATION (To be completed by the Lead Agency)**

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

## EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	X			
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	X			
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

a-c) Timber harvesting activities could have aesthetic impacts; however, the revised Non-Federal Timber Waiver would not alter or weaken the need to comply with existing regulations regarding aesthetic values that currently apply to activities regulated under the 2004 Non-Federal Timber Waiver. Therefore, it is not anticipated that the adoption and implementation of the revised Non-Federal Timber Waiver would affect the nature or extent of any aesthetic impact over current conditions (i.e., regulation of timber harvest and vegetation management activities under the 2004 Non-Federal Timber Waiver).

Therefore, because the revised Non-Federal Timber Waiver would not alter or weaken the need to comply with existing regulations regarding aesthetic values that currently apply under the 2004 Non-Federal Timber Waiver the appropriate finding is **no impact**.

d) The proposed project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views; therefore, the appropriate finding is **no impact**.

**II. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

a-c) The proposed project would not involve converting or re-zoning agricultural land to non-agricultural use. There will be no change to agricultural resources in the project area over existing conditions due to the revised Timber Waiver; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

a-e) Timber harvesting activities may generate dust emissions as the result of road and trail construction and use, and the construction of landings and pads. Nitrogen and sulfur oxides may be emitted during timber harvesting activities, including from use of heavy equipment engines. Smoke will be emitted during prescribed burning of logging slash. However, it is not anticipated that the revised Non-Federal Timber Waiver will result in an increase in these emissions over current conditions (i.e., regulation of timber harvest activities under the 2004 Non-Federal Timber Waiver).

Therefore, because the revised Non-Federal Timber Waiver would not alter or weaken the need to comply with existing regulations regarding air quality that currently applies under the 2004 Non-Federal Timber, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES --</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

- a-d) The revised Non-Federal Timber Waiver contains both general and category-specific conditions and criteria to ensure that activities that proceed under the revised Non-Federal Timber Waiver will have less than significant impacts to biological resources, including candidate, sensitive or special status species or their habitat (including wetlands, riparian areas and/or nursery sites).

Non-Federal Timber Waiver General Condition 2 requires compliance with the Basin Plan, which requires that water quality standards and waste discharge prohibitions must not be violated by activities that proceed under the revised Timber Waiver. The Basin Plan specifies region-wide water quality objectives for waste discharges subject to this revised Non-Federal Timber Waiver. These objectives set narrative or numeric limits for constituents that may be associated with timber harvest activities such as biostimulatory substances, dissolved oxygen, floating materials, pH, sediment, settleable and suspended materials, temperature, toxicity, nondegradation of aquatic communities and populations, and pesticides.

These water quality objectives are established to protect beneficial uses of the region's waters. The water quality objectives in conjunction with the identification of water body-specific beneficial uses constitute the water quality standards. Beneficial use designations in the North Coast Region incorporate protection of biological habitats and sensitive species, including 8 separate designations for biological resources (Warm Freshwater Habitat; Cold Freshwater Habitat; Inland Saline Water Habitat; Wildlife Habitat; Preservation of Areas of Special Biological Significance; Rare, Threatened, or Endangered Species; Migration of Aquatic Organisms; Spawning, Reproduction, and Development). Since the revised Non-Federal Timber Waiver requires compliance with the Basin Plan, all of these beneficial uses are protected from adverse impacts of timber harvest activities. Additionally, the revised Non-Federal Timber Waiver contains specific conditions related to preventing sediment transport to water bodies and protection of riparian vegetation. Therefore, activities that proceed in compliance with the revised Non-Federal Timber Waiver must be designed and implemented to ensure biological resources are protected, and any potential impacts will be reduced to less than significant levels.

The revised Timber Waiver does not alter or weaken requirements for project proponents to comply with existing regulations regarding any species identified as a candidate, sensitive, or special status species that currently apply under the 2004 Non-Federal Timber Waiver. Specifically, Non-Federal Timber Waiver Prohibition 6 in Section V states, "The Discharger and Project shall comply with applicable local, state or federal laws and regulations." Timber harvest activities are subject to environmental impact evaluation and mitigation by the established processes used in planning those activities by the State of California and the Federal government. The California Endangered Species Act also requires measures to minimize and fully mitigate the impacts on endangered species, as do other requirements of the California Department of Fish and Game (CDFG). For example, CDFG Code section 1603 generally prohibits persons from substantially diverting or obstructing the natural flow or substantially changing the bed, channel, or bank of any river, stream, or lake designated by CDFG, or from using any material from the streambeds, unless they have first notified CDFG of

the activity. All rivers, streams, and lakes in California have been designated by CDFG, pursuant to California Code of Regulations, title 14, section 720. In addition, Section 1603 generally prohibits persons from commencing any activity affected by Section 1603 until CDFG has found that the activity will not substantially adversely affect an existing fish or wildlife resource, or until CDFG proposals, or the decisions of a panel of arbitrators assembled pursuant to procedures set forth in Section 1603, have been incorporated into the activity. CDFG enters into lake or streambed alteration agreements ("1603 Agreements") with those persons who notify CDFG of their proposed activities pursuant to Section 1603 in cases where CDFG determines the activities may substantially adversely affect an existing fish or wildlife resource.

The revised Non-Federal Timber Waiver does not alter or weaken the requirements of Clean Water Act (CWA) section 404. Unless exempted under 40 Code of Federal Regulations section 232.3, anyone proposing to conduct activities which may result in a discharge to surface waters and which require a federal permit (e.g., activities involving any discharge of dredged or fill material to waters of the United States, subject to U.S. Army Corps of Engineers permitting requirements under Clean Water Act section 404) must obtain a Clean Water Act section 401 Water Quality Certification from the Water Regional for those activities requiring an Army Corps of Engineers section 404 Permit.

A Clean Water Act section 401 Water Quality Certification is an order issued by the Water Quality Control Board determining that the proposed activity will not violate water quality standards and will protect the water for beneficial uses. At a minimum, any loss of wetlands must be replaced by a wetland of at least equal function, value and area. Timber harvest activities are generally exempt from the requirement to obtain a Clean Water Act section 404 permit. However, for activities that are not exempt, the revised Non-Federal Timber Waiver requires compliance with Clean Water Act section 404 and section 401 certification from the Regional Water Board prior to discharging. These requirements ensure that impacts to wetlands will remain at less than significant levels if an activity is subject to regulation under a Clean Water Act section 404 permit.

Therefore, any impacts to biological resources in the project area are mitigated by the criteria and conditions contained in the revised Non-Federal Timber Waiver, and by regulations protecting biological resources that currently exist under the 2004 Timber Waiver. The appropriate finding is **less than significant with mitigation incorporation.**

e-f) The revised Timber Waiver does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. As stated in Non-Federal Timber Waiver Prohibition 6, the revised Non-Federal Timber Waiver does preclude the Discharger from the need to comply with applicable local, state or federal laws and regulations. The requirements of any habitat conservation plan are not superseded by the revised Non-Federal Timber Waiver. Therefore, the appropriate finding is **no impact.**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES -- Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

a-d) The revised Non-Federal Timber Waiver will not alter the need to comply with CEQA and other State and federal laws that require analysis, disclosure, and mitigation of potential impacts to cultural resources to less than significant levels.

The adoption and implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over cultural resources related to vegetation management. Therefore, any impacts to the cultural resources of the project area will not be changed over existing conditions by the adoption and implementation of the revised Timber Waiver, and the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS -- Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X



- a i-iii) The revised Non-Federal Timber Waiver does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. Because the project does not involve these factors, the appropriate finding is **no impact**.
- a iv) The revised Non-Federal Timber Waiver does not change the exposure of people or structures to potential substantial adverse effects involving landslides due to timber harvesting activities over current conditions. The revised Non-Federal Timber Waiver contains criteria and conditions related to activities on steep slopes, slides, and unstable areas similar to those specified in the 2004 Non-Federal Timber Waiver. No change in the risk of landslide due to timber harvesting activities is foreseeable: the appropriate finding is **no impact**.
- b-c) The revised Non-Federal Timber Waiver contains both general conditions and category-specific conditions and criteria to ensure that activities that proceed under the waiver will have less than significant impacts to soil and geological resources, and includes mitigation measures to prevent substantial soil erosion, loss of topsoil or risks due to unstable soils.

Non-Federal Timber Waiver General Condition 2 requires compliance with the Basin Plan, and prohibits the creation of a pollution, contamination, or nuisance, as defined by the California Water Code section 13050. Compliance with Basin Plan means that water quality objectives and waste discharge prohibitions must not be violated by activities that proceed under the revised Non-Federal Timber Waiver. Region-wide prohibitions relevant to soil erosion include those that prohibit discharges of waste (including waste earthen material such as soil, silt, sand, clay, rock, or other organic or mineral material) which violate any numeric or narrative water quality objective, including the Nondegradation Objective. Region-wide water quality objectives (either narrative or numeric) establish standards for constituents that may result from erosion due to timber harvest activities such as sediment, settleable and suspended materials, nondegradation of aquatic communities and populations, and pesticides. Because the revised Non-Federal Timber Waiver prohibits exceedence of these objectives, any impacts from soil erosion due to activities that proceed under the waiver will be less than significant.

The revised Non-Federal Timber Waiver does not alter or weaken the requirement for project proponents to comply with existing regulations regarding soils resources. Specifically, Non-Federal Timber Waiver Prohibition 6 in Section V states that "The Discharger and Project shall comply with applicable local, state or federal laws and regulations."

The adoption and implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of any other agency which may have jurisdiction over soils resources related to vegetation management (e.g., requirements for erosion control or grading ordinances by state, local or federal agencies, or county air districts).

Therefore, any impacts to geology and soils in the project area are mitigated by the criteria and conditions contained in the revised Non-Federal Timber Waiver, and by regulations governing soil erosion that currently exist under the 2004 Non-Federal Timber Waiver. The appropriate finding is **less than significant with mitigation incorporation**.

- d) The proposed project does not involve activities such as building construction that are subject to the Uniform Building Code. Because the project does not involve this element, the appropriate finding is **no impact**.
- e) The proposed project does not involve septic tanks or alternative wastewater disposal systems. Because the project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

a-b) Timber harvesting activities can involve the transport and use of materials that would qualify as hazardous pursuant to the California Health and Safety Code section 25501(o). These materials include gasoline and diesel to fuel equipment, hydraulic fluid associated with equipment operations and machinery, and silvicultural herbicides. The presence and use of gasoline, diesel, and hydraulic fluid should be limited to the amounts needed to operate timber harvesting equipment and will not be present in amounts to cause a significant hazard to the public or the environment. The revised Non-Federal Timber Waiver will not alter or weaken the need to comply with existing regulations regarding hazardous materials that currently apply under the 2004 Non-Federal Timber Waiver.

Silvicultural herbicides permitted under this revised Non-Federal Timber Waiver include the application of imazapyr directly to tree stumps. The amounts needed to treat tree stumps are nominal and will not cause a significant hazard to the public or the environment.

As required under the 2004 Non-Federal Timber Waiver other applications of herbicides will not be permitted under the revised Non-Federal Timber Waiver unless the type(s) of herbicide, method and area of application, and measures to assure compliance with the Basin Plan are submitted to Regional Water Board staff prior to the proposed date of

application. The Regional Water Board will not permit herbicide applications under the revised Non-Federal Timber Waiver that will result in a hazard to the public or environment.

The revised Timber Waiver would not weaken the need to comply with existing regulations regarding hazardous materials that currently apply under the 2004 Non-Federal Timber Waiver. Additionally, Non-Federal Timber Waiver Prohibition 3 in Section V states that, "The Discharger shall not cause or threaten to cause pollution, contamination, or nuisance, as defined by CWC Section 13050." Therefore, the appropriate finding is **no impact**.

- c) The proposed project would not result in the emission or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, the appropriate finding is **no impact**.
- d) The proposed project does not alter or weaken any requirements to identify risks due to hazardous materials sites pursuant to Government Code Section 65962.5. Therefore, the appropriate finding is **no impact**.
- e-f) The proposed project would not result in a change over current conditions related to activities near an airport or airstrip that would result in a safety hazard. Therefore, the appropriate finding is **no impact**.
- g) The proposed project would not interfere with an emergency evacuation or response plan; therefore, the appropriate finding is **no impact**.
- h) The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?. The appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY -- Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater			X	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		X		
j) Inundation by seiche, tsunami, or mudflow?		X		

a, c, d, e, f, i, j ) The revised Non-Federal Timber Waiver contains both general conditions and category-specific conditions and criteria to ensure that activities that proceed under the waiver will have less than significant impacts to hydrology and water quality, including to drainage patterns, excessive and/or polluted runoff, on- or off-site erosion or flooding. The revised Non-Federal Timber Waiver also prohibits the violation of any water quality standards or waste discharge requirements.

Non-Federal Timber Waiver General Condition 2 requires compliance with the Basin Plan, and Prohibition 3 in Section V prohibits the creation of a pollution, contamination, or nuisance, as defined by the California Water Code section 13050. Compliance with Basin Plan means that water quality objectives and waste discharge prohibitions must not be violated by activities that proceed under the revised Non-Federal Timber Waiver. Region-wide waste discharge prohibitions to protect water quality include those that prohibit discharges of waste (including waste earthen material such as soil, silt, sand, clay, rock, or other organic or mineral material) which violate any numeric or narrative water quality objective, including the Nondegradation Objective. Region-wide water quality objectives (either narrative or numeric) establish standards for constituents that may result from timber harvest and vegetation management activities such as sediment, settleable and suspended materials, nondegradation of aquatic communities and populations, and pesticides.

The revised Timber Waiver does not alter or weaken the requirement for project proponents to comply with existing regulations regarding soils resources that currently apply under the 2004 Non-Federal Timber Waiver. Specifically, Non-Federal Timber Waiver Prohibition 6 in Section V states that the Discharger and Project, "shall comply with applicable local, state or federal laws and regulations."

Conditions that apply to all revised Non-Federal Timber Waiver categories prohibit adverse impacts to water quality resulting from discharges associated with timber harvest activities. The revised Non-Federal Timber Waiver will apply only to timber harvest activities that meet all applicable eligibility criteria and that comply with the waiver conditions. The Regional Water Board or its Executive Officer may terminate eligibility for coverage under the revised Timber Waiver at any time for a particular activity if the eligibility criteria are not met or the conditions not followed. The Regional Water Board or its Executive Officer may also take enforcement actions in accordance with the California Water Code to ensure actions are taken to prevent or correct water quality impacts. Therefore, the appropriate finding is **less than significant with mitigation incorporation.**

- b) The revised Non-Federal Timber Waiver does not involve activities that could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The appropriate finding is **less than significant impact.**

g, h) The revised Non-Federal Timber Waiver does not involve placing housing or structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Because the project does not involve this element, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING -</b> Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

a-b) The proposed project does not divide an established community or involve land use planning or policy. Because the project does not involve these elements, the appropriate finding is **no impact**.

c) The adoption and implementation of the revised Non-Federal Timber Waiver does not change the regulatory requirements, statutory authorities, or enforcement abilities of the Regional Water Board, nor does it alter or weaken the requirements of any applicable conservation plan that may apply to vegetation management activities. Therefore, existing conditions related to habitat or natural community conservation plans will not be changed by the adoption of the revised Non-Federal Timber Waiver, and the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>X. MINERAL RESOURCES</b> -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

a-b) The proposed project does not involve mineral resources; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. NOISE:</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport				X



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

a-f) The proposed project does not change the exposure of people to potential adverse effects involving noise due to vegetation management activities over current conditions. Noise levels due to vegetation removal activities in the project area will remain the same whether or not the revised Non-Federal Timber Waiver is adopted and implemented. Changes in the revised Timber Waiver do not impact noise levels from timber harvest and vegetation management activities. Because no change is foreseeable, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING --</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

- a-c) The proposed project does not involve construction of new homes, businesses, or infrastructure. The project would also not displace people or existing housing. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

- a) The proposed project does not involve new or physically altered government facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIV. RECREATION --</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
---	--	--	--	---

a-b) The proposed project does not involve increasing the use of recreational facilities, or require construction or expansion of recreational facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC --</b> Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

- a-b) The proposed project would not cause an increase in traffic or exceed a level of service due to vegetation management activities over current conditions. Traffic levels related to vegetation management activities in the project area will remain the same whether or not the revised Non-Federal Timber Waiver is adopted and implemented. Because no change is foreseeable, the appropriate finding is **no impact**.
- c) The proposed project does not involve air traffic. Because the proposed project does not involve this element, the appropriate finding is **no impact**.
- d) The proposed project does not involve installation of hazardous design features. Because the proposed project does not involve this element, the appropriate finding is **no impact**.
- e-f) The proposed project does not affect emergency access or parking capacity; therefore, the appropriate finding is **no impact**.
- g) The proposed project does not involve alternative transportation. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

- a-c) The proposed project does not involve the expansion or construction of wastewater or storm water treatment facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.
- d) The proposed project does not change the need for water supplies due to vegetation management activities over current conditions. The need for water supplies to serve vegetation removal activities (e.g., for dust abatement) in the project area will remain the same whether or not the revised Timber Waiver is adopted and implemented. Because no change is foreseeable, the appropriate finding is **no impact**.
- e) The proposed project does not require service by wastewater treatment facilities. Because the proposed project does not involve this element, the appropriate finding is **no impact**.
- f) The proposed project would not affect solid waste generation or landfill capacities over current conditions. Because no change is foreseeable, the appropriate finding is **no impact**.

- g) The proposed project will not involve solid waste and is not subject to federal, state, and local statutes and regulations related to solid waste, therefore the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

- a) Timber harvesting activities have the potential to degrade the quality of the environment; however, conditions and criteria that apply to all revisions to the Non-Federal Timber Waiver mitigate significant adverse impacts from discharges associated with timber harvest activities to less than significant levels. The revised Non-Federal Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions.

The Regional Water Board determines that timber harvesting activities conducted in compliance with the revised Non-Federal Timber Waiver will not adversely affect the

quality or the beneficial uses of the waters of the State, and will be in the public interest pursuant to California Water Code (Water Code) section 13269. In addition to the environmental protection afforded by the adoption of this revised Non-Federal Timber Waiver, the Regional Water Board will continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes described in this Initial Study. Therefore, the appropriate finding is **less than significant with mitigation incorporation**.

- b) Timber harvest activities could have impacts that are individually limited, but cumulatively considerable; however, conditions and criteria that apply to all revised Timber Waiver categories mitigate significant cumulative adverse impacts from discharges associated with timber harvest activities to less than significant levels. The revised Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions. Therefore, activities conducted in compliance with the Timber Waiver conditions will not contribute to cumulative impacts.

The Regional Water Board determines that timber harvest activities conducted in compliance with the revised Non-Federal Timber Waiver will not adversely affect the quality or the beneficial uses of the waters of the State, and will be in the public interest pursuant to Water Code section 13269. In addition to the environmental protection afforded by the adoption of this revised Non-Federal Timber Waiver, the Regional Water Board will continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes described in this Initial Study. Therefore, the appropriate finding is **less than significant with mitigation incorporation**.

- c) It is unlikely that timber harvest activities could have environmental effects which may cause substantial adverse effects on human beings, either directly or indirectly. However, conditions and criteria that apply to the revised Non-Federal Timber Waiver mitigate significant cumulative adverse impacts from discharges associated with timber harvest activities to less than significant levels. The revised Non-Federal Timber Waiver will only apply to timber harvest activities that meet all applicable eligibility criteria and that follow the waiver conditions.

The Regional Water Board determines that timber harvest activities conducted in compliance with the revised Non-Federal Timber Waiver will not adversely affect the quality or the beneficial uses of the waters of the State and is in the public interest pursuant to Water Code section 13269. Therefore, the appropriate finding is **less than significant**.

## REFERENCES

Dargen, K., and S. Rogich et al., 2008. *The Emergency California-Nevada Tahoe Basin Fire Commission Report*.

Hatchett, B., Hogan, M., and Grismer, M. 2006. *Mechanical mastication thins Lake Tahoe forest with few adverse impacts*. California Agriculture, Vol. 60, Num. 2

Lahontan Regional Water Quality Control Board, 1995. *Water Quality Control Plan for the Lahontan Region*, as amended.

-----, 2003. Resolution R6T-2003-0012, *Waiver of Filing a Report of Waste Discharge and Waiver of Waste Discharge Requirements for Specific Types of Projects or Discharges Regulated by the Tahoe Regional Planning Agency*.

-----, 2007. Resolution R6T-2007-0008, *Waiver of Waste Discharge Requirements for Discharges related to Timber Harvest and Vegetation Management Activities*.

-----, 2008. Memorandum Of Understanding Between The California Regional Water Quality Control Board, Lahontan Region, And The Tahoe Regional Planning Agency For Vegetation Management. Available at:  
[http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/waste\\_discharge\\_requirements/timber\\_harvest/mou\\_trpa.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/waste_discharge_requirements/timber_harvest/mou_trpa.shtml)

U.S. Forest Service, Lake Tahoe Basin Management Unit, 2008. *Heavenly Creek SEZ Demonstration Project Monitoring Report*.

-----, 2008. *Heavenly Creek SEZ Demonstration Project 2008 BMPEP Monitoring Report*.

U.S. Forest Service, Tahoe National Forest, 2009. *Alder Creek Project Monitoring Report*.

Tahoe Regional Planning Agency, 1999. *Regional Plan for the Lake Tahoe Basin*, as amended. Code of Ordinances and Rules of Procedures.



June 1, 2009

Roger Briggs, Executive Officer  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-0397

RE: Revisions to the MRP (order number R3-2005-0066).

Dear Mr. Briggs,

This letter provides comments from the forestry community of the Central Coast regarding the Central Coast Regional Water Quality Control Board's (CCRWQCB) proposed revisions to the Monitoring and Reporting Program (MRP) for the General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities (Order number R3-2005-0066). While we believe that some of the proposed revisions to the MRP are an appropriate step in the right direction, several items require additional attention. We are hopeful that these comments will be constructive to improving the waiver monitoring process.

The General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities was adopted by the CCRWQCB on July 8, 2005. An (MRP) was initiated with the creation of the general conditional waiver of waste discharge. Currently timber harvest plans on the Central Coast are rated by tiers, according to the potential for impact to watershed resources. Projects within Tier I to Tier III qualify for the General Waiver. Projects that calculate to Tier IV require individual waivers.

On May 18, 2009 the CCRWQCB staff produced a report recommending alterations to the MRP. Regarding turbidity, the Water Board's staff report concludes that "turbidity data from crossings do not indicate a significant effect on water clarity or sediment load". Regarding temperature, the report finds that "timber harvest activities in the Central Coast Region do not appear to be negatively impacting stream temperature." These findings led staff to recommend reducing the turbidity and temperature monitoring requirements for projects that fall under the General Waiver (R3-2005-0066).

In general, the proposed changes are appropriate, however, the following issues remain:

**Turbidity:**

Staff have concluded that "turbidity data from crossings do not indicate a significant effect on water clarity or sediment load" and that "it is appropriate to modify the MRP to rely on visual inspections and adaptive management for water quality protection", and further suggest that turbidity sample collection be limited to that required to document conditions discovered through forensic monitoring. We agree with this conclusion, however, the modified MRP language still allows for the inclusion of storm-event based turbidity monitoring. Given the intent of changes to the MRP to streamline the process and appropriately allocate staff time, we believe that an analysis of the existing data indicates this requirement should be removed entirely.

**Temperature:**

Based on temperature data collected as part of the MRP, staff concluded that "timber harvest activities in the Central Coast Region do not appear to be negatively impacting stream temperature". Specifically, staff noted that none of the data submitted show temperatures above the lethal limit for salmonids, and that 70% of the data sets showed temperatures in the optimal range for salmonids at all times. It is unclear why staff states that 100% of the data sets show an increase in temperature from upstream to downstream, a conclusion which is not supported by monitoring data. In fact, several data sets show that temperatures were often higher above THP's (eg, General Waiver for the Walsh Fletcher NTMP #1-98NTMP-019 SCL Units 2,7,8,9; Attachment A), and a robust statistical analysis of data from at least one other plan determined that the temperature data from another

harvest (above and below) were statistically identical. Based on the staff conclusions and our wealth of temperature data, we request that the Board approve staff's recommended changes.

### **Standard Operating Procedures:**

For those projects that may still be compelled to conduct water column monitoring, the Standard Operating Procedures (SOP) for Continuous Temperature Monitoring and the Standard Operating Procedures for Instream Turbidity Monitoring are tedious and cumbersome beyond a reasonable expectation. The following concerns have been expressed to staff and Board in previous letters and communications since issuance.

#### Temperature Calibration

Central Coast foresters have been collecting continuous summer stream temperature data in local streams for the past 12 years with no accuracy problems. We strongly recommend simplification or elimination of the calibration and documentation process mandated in the Standard Operating Procedures for Continuous Temperature Monitoring. In most cases, Hobo pendant data loggers manufactured by Onset Computer Corporation for this specific use are deployed. No water bath calibration is recommended by the manufacturer, who instead recommend taking a concurrent reading with a NIST certified thermometer when the logger is deployed and picked up from the stream to verify and document accuracy. The tedious calibration form and procedure developed by Water Board staff is not supported by manufacturer's technical documentation and in fact has been described by these manufacturers as overkill. It requires unnecessary calibration checks at three separate times during the monitoring season. Every year, the labor-intensive calibration process takes individual foresters multiple days to complete, and results in no added protection of water quality. For each data logger in use, no less than 20 temperature readings must be made and entered in the Calibration Check Form before the logger can be deployed (see Attachment B). In the years since SOP issuance, no data logger has been removed from deployment based on data collected during calibration. Furthermore, the manufacturer strongly discourages the use of a room temperature water bath for accuracy testing, since the temperature of the water will not remain constant, and therefore comparable readings are not expected.

Regardless of Waiver requirements, we will continue to collect summer stream temperature readings in many creeks in the Central Coast Region. If projects will be required to collect temperature data for the Waiver, we request a simplification or elimination of the requisite calibration and documentation process.

#### Turbidity Calibration

The Water Board was provided expert testimony in 2005 stating that turbidity data are notorious for being error-prone, and that to conduct a convincing analysis, a large data set would be required (in conjunction with flow information). The limitations of grab-sample turbidity monitoring are borne out in the data provided to the Board and are acknowledged in the recent staff report. Since turbidity grab samples are recommended by staff to be required for a subset of future projects, and in cases of forensic monitoring, we request a modification to the Standard Operating Procedures for Instream Turbidity Monitoring to have more realistic calibration standards.

The current Calibration Protocol requires that "Turbidity equipment must be calibrated within twenty-four hours prior to each sampling event using standard reference materials and following manufacturer's instructions." AND "An accuracy check must be performed on the turbidity equipment within 24 hours following each sampling event." This is excessive, very time consuming and contrary to manufacturer's recommendations. Turbidity equipment does not need to be re-calibrated before and after taking a measurement in order to be assured of accurate readings. For example, the HACH 2100P Portable Turbidimeter Instrument and Procedure Manual, Section 1.4.4 states, "The 2100P Portable Turbidimeter is calibrated with Formazin Primary Standard at the factory and does not require recalibration before use." The manual goes on to say in Section 3.6 "The instrument's electronic and optical design provide long-term stability and minimize the need for frequent calibration" (see Attachment C). It would make more sense to require that several solutions of known turbidity be run through the equipment prior to running field samples to ensure that the readings are accurate, then calibrate if deemed necessary. The re-calibration process is unwieldy, time consuming, and unnecessary. For

those projects requiring turbidity data, we request that accuracy checks take the place of re-calibration prior to running samples, and that re-calibration be done on an as-needed basis, or once every three months, as accuracy checks, experience or manufacture protocol dictate.

In addition to the issues discussed above, several other problems with the turbidity SOP were identified in a letter to the Executive Officer from Redwood Empire, dated May 3, 2007 (Attachment D). Briefly, these include: Unnecessary recording of monitoring triggers and rainfall information on the Field Data Sheet (FDS); unnecessary and duplicative recording of site locations by lat/long on the FDS; unnecessary requirements for labeling and refrigeration of samples; impractical, imprecise, and unnecessary stage measurements and hydrograph position estimates; and unnecessary and duplicative sub-sampling of field turbidity samples in the lab. The repetitive exercise of sample and machine verification, calibration and documentation on such an exhaustive level is entirely negated by the inherent variability and potential error in the samples collected.

### **Tiering**

While the Monitoring and Reporting Program is proposed for revision, the tiering process attached to the General Waiver has not been altered. This tiering system does not accurately assess the potential for impact that a project may have on watershed resources. The following are concerns with the current tiering process, with suggested improvements.

### Cumulative Effects Ratio

The cumulative effects ratio is designed to calculate the intensity of harvest within a planning watershed during the 15 years previous to the proposed harvest. Following selection timber harvests, forested stands respond with increased growth, as stump sprouts and planted seedlings fill in any gaps in the canopy and begin a new sub-canopy of conifers. Surface treatments of forestland infrastructure, such as roads, skid trails, and landings, reduce the potential for surface soil loss and erosion. This process of stand recovery in redwood forests initiates even before timber operations have concluded.

The current cumulative effects calculation makes no attempt to factor in recovery, choosing rather to treat all timber harvests within the last 15 years as having an equal level of impact on the watershed. The system arbitrarily assumes that because harvesting has occurred within the past 15 years, there is necessarily a cumulative impact; however, this is not substantiated by data in the Southern Subdistrict. This calculation results in an effects ratio that is considerably higher than the actual ongoing impacts. Studies from Caspar Creek concluded that the sediment effects following timber harvesting (Pre-Forest Practice Rules selection silviculture) reached background levels within eight years<sup>1</sup>. These harvests removed considerably more of the timber stand, and disturbed much higher percentage of soil in the harvest areas than local harvests. Factoring recovery into the cumulative effects ratio will allow the Central Coast Regional Water Quality Control Board and staff to more realistically assess the potential cumulative impacts within the watershed.

To better assess the cumulative effects of timber harvesting, recovery should be factored into the calculation. The majority of the recovery following timber harvests occurs within the first five years. The Caspar Creek research indicates that background levels for those more intense harvests were achieved by eight years. This is largely due to new vegetative growth across the project area. While effects may continue after the first five years, they can be assumed diminish in magnitude over time. An appropriate method of estimating impact while accounting for recovery is provided below:

- Plans in the most recent 5 years, including proposed projects, count at 100% of their harvest acreage.
- Plans harvested 6-10 years prior to the proposed project would be counted at 50% of their acreage
- Plans harvested 11-15 years prior to the proposed project would be counted at 25% of their acreage.

---

<sup>1</sup> Thomas, Robert B., Problems in determining the return of a watershed to pretreatment conditions: techniques applied to a study at Caspar Creek. 1990.

### Soil Disturbance

The soil disturbance factor was designed to estimate the quantity of disruption that may result from a proposed timber harvest operation. The current factor considers a variety of site conditions involved with operations. Some of these conditions are not immediate threats to water quality. Thus, the resulting soil disturbance factor may not reflect the actual potential for a project to affect the watershed. Timber harvesting, road and landing use, and skid trail within a WLPZ or ELZ are the activities with the most potential to impact watercourses. To better reflect a project's potential for impact, the worksheet should be weighted toward timber operations within the WLPZ or ELZ.

### Drainage Density Index

The drainage density index is intended to reflect a project's potential to impact aquatic resources. Currently, the index weights watercourses using the FPR classification system. Hence, a class I watercourse is counted at three times the value of a class III watercourse, which suggests that it has three times the potential for harm. While the consideration of resources is important when calculating potential risks, the current method does not factor in the variation in watercourse protection intensity. Under California Forest Practice Rules, buffer width and canopy restrictions protect class I watercourses to a higher degree than class II or class III watercourses. When protection measures are considered, the risks to resources in watercourses of all classifications are similar, and should therefore not have multipliers.

In addition to the problem of weighting, the current Drainage Density Index (DDI) lacks precision, having only two categories: high and low. We propose that two changes be made: In order to allow more sensitivity to the amount of watercourses within a project, a moderate category should be created to capture plans in the middle ranges of watercourse length, and all watercourses shall be valued at the same level. To accommodate this change, the tiering thresholds should be changed to a low limit of 50 and a high level of 100, and a moderate level shall be added for plans with a DDI between 50 and 100.

### Tier IV

No evidence suggests that projects ranked as Tier IV are having a greater impact on water quality than Tier I-III projects. Unfortunately, difficulties in promptly scheduling the required public hearing associated with Tier IV Individual Waivers has resulted in unnecessary delays and economic hardship for Waiver applicants. Additionally, staff is required to schedule a public hearing, prepare a staff report for the hearing, and the applicant is required to file an additional public notice.

On any project, the Executive Officer has the prerogative to require more comprehensive monitoring requirements than specified for that Tier. For the sake of efficiency and fairness, Tier IV projects should be dealt with under the General Waiver.

If changes are made at this time to the General Waiver, we recommend your Board adopt this Waiver for 5 more years. The current Waiver expires July 8, 2010. It makes sense for all interested parties to have these changes rolled into a new Waiver that would expire in 2015, thereby avoiding re-visiting the Waiver again next year.

We appreciate staff's efforts to streamline the Timber Waiver process and make it more efficient, while maintaining the high level of water quality protection that currently exists. It is our hope that you will give our comments the utmost consideration and understand that we strive to improve the efficiency, simplicity and function of the General Waiver for Timber Harvest Activities.

Sincerely,

*Steve Staub*

Steve Staub  
RPF #1911

*David Van Lennep*  
RPF #2591

David Van Lennep  
RPF #2591

*Nadia Hamey*

Nadia Hamey  
RPF #2788

*Gary Paul*

Gary Paul  
RPF #1829

*Matthew J. Bissell*  
RPF #2615

Matthew Bissell  
RPF #2615

*Bob Reynolds*  
RPF #2636

Bob Reynolds  
RPF #2636

*Matt Dias*  
RPF #2773

Matt Dias  
RPF #2773

*Janet M. Webb*  
RPF #2347

Janet M. Webb  
RPF #2347

*Michael J. Duffy*  
RPF #2770

Michael J. Duffy  
RPF #2770

*Brian D. Bishop*  
RPF #2889

Brian D. Bishop  
RPF #2889

*James Hildreth*  
RPF #2693

James Hildreth  
RPF #2693

*Roy Webster*  
RPF #1765

Roy Webster  
RPF #1765

*Joseph Culver*  
RPF #2674

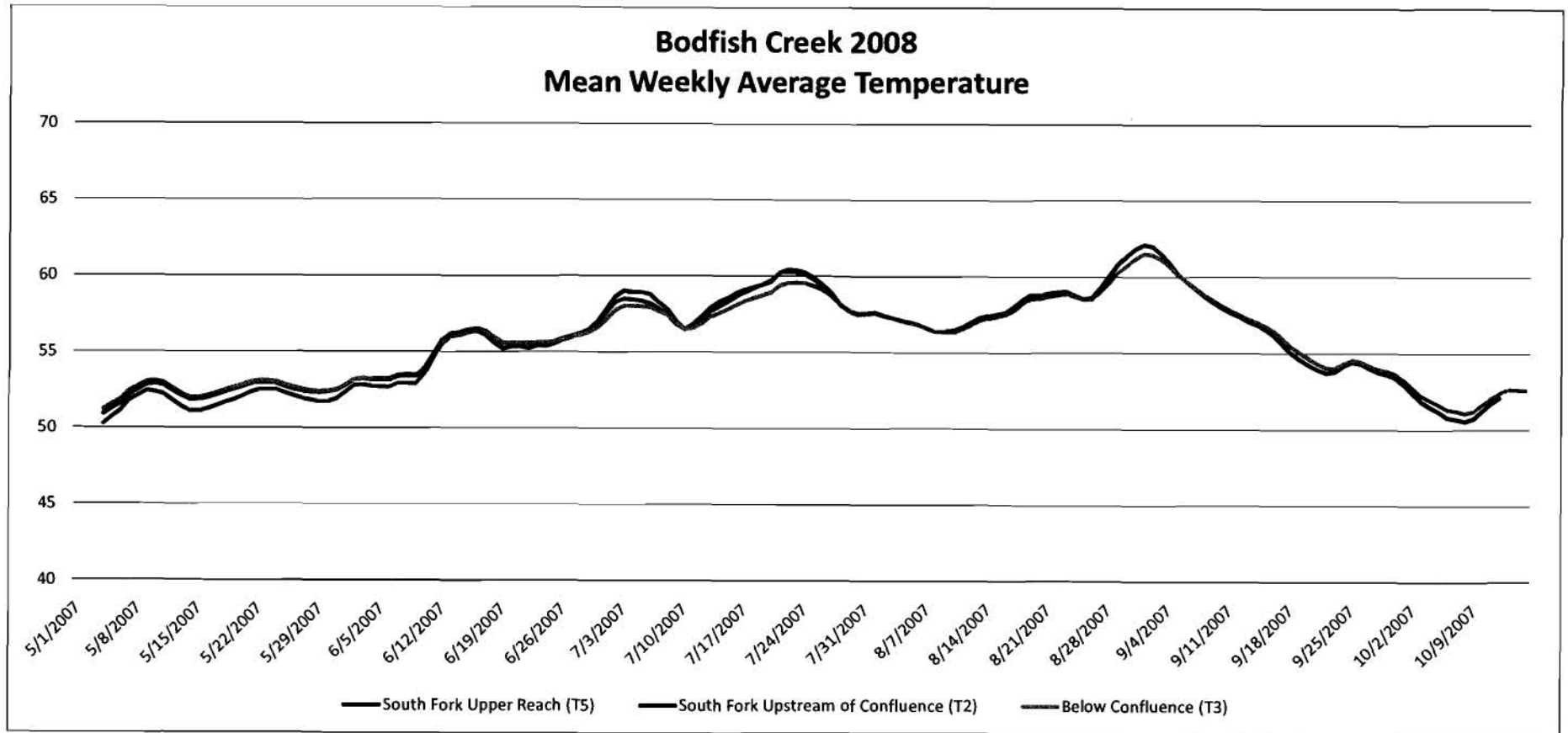
Joseph Culver  
RPF #2674

*Steven R. Auten*  
RPF #2734

Steven R. Auten  
RPF #2734

*Cassidy Bill Vaughn*  
RPF #2685

Cassidy Bill Vaughn  
RPF #2685



# Central Coast Regional Water Quality Control Board Temperature Calibration Check Form for Continuous Data Loggers

THP/NTMP # & Co. Code: 1-04NTMP-001 SCR

Calibrated By: Nadia Hamay

Monitoring Time Period: 5/1/06 to 7/12/06 and 8/1/06 to 10/15/06

Logger Type (make and model): H08-001-02

Units: F

Plan Name\*: Big Basin Water NTMP Fallen Leaf and Filter Plant Unit

\*As it appears on the approved THP/ NTMP, NTMPs must all include units.

Acceptable Variation:  @

## Temperature Readings

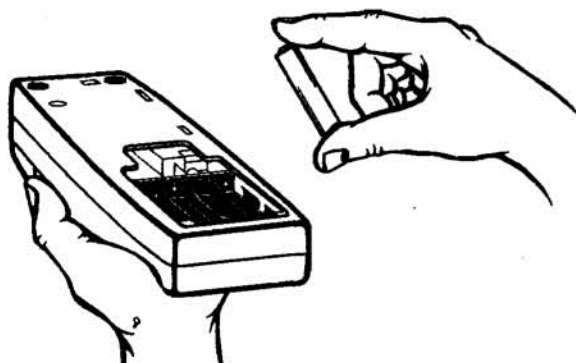
Date MM/DD/YY	Time	Calibration Type	Thermometer Reading	Logger ID #		Field Notes Include name of person conducting field work.	Logger ID #	Station Name and #	Monitoring Point 1 (Upper) Logger Reading Diff	Monitoring Point 2 (Down)		Field Notes Include name of person conducting field work.
				#28	#27					Station Name and #	Logger Reading Diff	
4/27/06	17:29	Ice Bath	31.7	32.02	0.3	Time synchronized	31.81	31.81	0.1	Time synchronized	0.1	
4/27/06	18:29	Ice Bath	31.7	32.02	0.3		31.81	31.82	0.1		0.1	
4/27/06	19:29	Ice Bath	31.7	32.02	0.3		31.82	31.82	0.1		0.1	
4/27/06	20:29	Ice Bath	31.7	32.02	0.3		31.82	31.82	0.1		0.1	
4/27/06	21:29	Ice Bath	31.8	31.82	0.0		31.82	31.82	0.0		0.0	
4/28/06	7:29	Warm Bath	73.9	73.93	0.0		73.88	73.88	0.0		0.0	
4/28/06	8:29	Warm Bath	73.9	73.92	0.0		73.85	73.85	-0.1		-0.1	
4/28/06	9:29	Warm Bath	73.9	74.00	0.1		73.82	73.82	-0.1		-0.1	
4/28/06	10:29	Warm Bath	73.9	73.70	-0.2		73.82	73.82	-0.1		-0.1	
4/28/06	11:29	Warm Bath	73.8	73.70	-0.1		73.70	73.70	-0.1		-0.1	
5/1/06	7:00											
5/1/06	7:15											
7/30/2006	7:00	Mid-season	55.0				55.6		0.6		Swapped out logger - NH	
7/30/2006	7:15	Mid-season	58.2	59.0	0.8						Swapped out logger - NH	
10/25/06	17:55	Pick-up	54.8	55.0	-0.2		55.3		0.5		Collected logger - NH	
10/25/06	18:00	Pick-up	55.2	55.0	-0.2						Collected logger - NH	

ATTACHMENT B

## SECTION 1, continued

battery compartment cover on the instrument bottom and install the batteries. Correct battery polarity is shown on the battery holder. The instrument will not function if the batteries are not installed correctly. Reinstall the battery compartment cover.

Figure 3 Battery Installation



### 1.4.3 Using the Battery Eliminator and Rechargeable Batteries

For operation with the optional battery eliminator, plug the eliminator jack into the connector on the turbidimeter side. The battery eliminator may be used with or without the batteries installed. **The eliminator will not charge batteries.** Rechargeable batteries may be used in the instrument, but must be removed for recharging. See *HOW TO ORDER* on page 74 for ordering information. To prolong battery life, the instrument lamp turns on temporarily when the **READ** key is depressed. Batteries are not necessary for battery eliminator operation.

### 1.4.4 Calibration

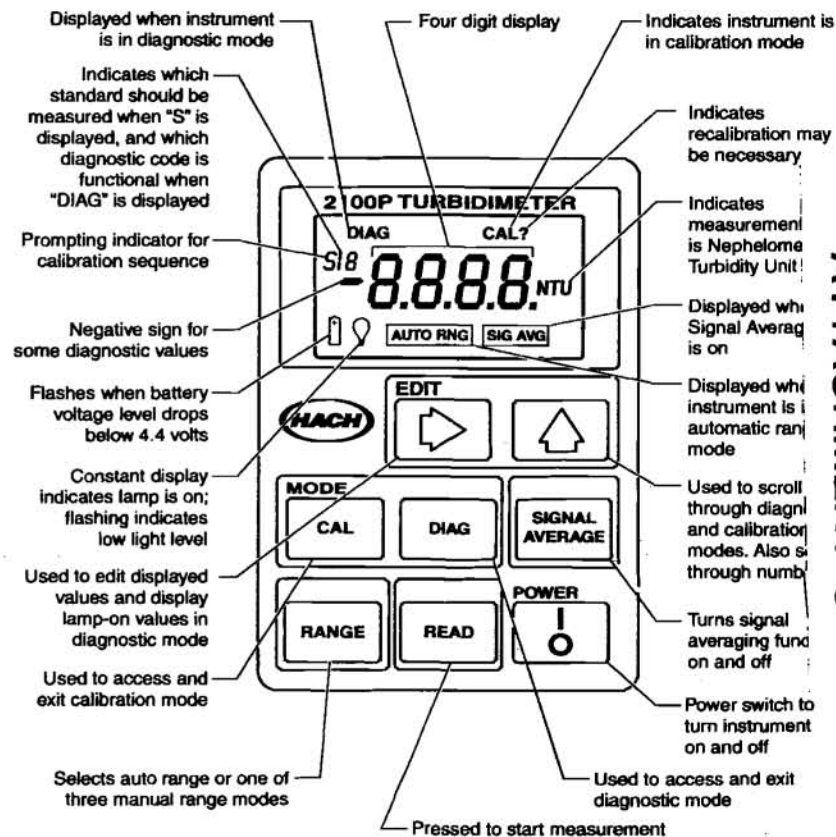
The 2100P Portable Turbidimeter is calibrated with Formazin Primary Standard at the factory and **does not require recalibration before use.** Hach recommends recalibration with formazin once every three months, or more often as experience dictates. The Gelex Secondary Standards supplied with the instrument are labelled with general ranges for application, but must be assigned values before use from formazin calibration. See *Section 3.6* on page 35 for calibration instructions.

## SECTION 2 TURBIDITY MEASUREMENT

### 2.1 Operating Controls and Indicators

Figure 4 shows the 2100P controls and indicators. Refer to *SECTION 3* for a detailed description of each control and indicator.

Figure 4 Keyboard and Display with Descriptions



### 2.2 Turbidity Measurement

Measurements may be made with the signal average mode on or off and in manual or automatic range selection mode. **Using automatic range selection is recommended.** Signal averaging uses more power and should be used only when the sample causes an unstable reading. Signal averaging measures and averages ten measurements while displaying



## SECTION 3, continued

11 seconds and the display is updated every 1.2 seconds until all ten measurements are taken (about 22 seconds). After 22 seconds, the lamp turns off, but the final measured turbidity value continues to be displayed until another key is pressed.

When **signal averaging is off**, the instrument takes three measurements, the microprocessor averages them, then displays the average. If the **READ** key is held during measurement, the initial value is displayed in 12 seconds and is updated every 1.2 seconds as long as the **READ** key is held.

When the instrument is turned on, the instrument defaults to the signal averaging mode which was used during the last measurement.

### 3.4 Using the Range Selection Key

As shipped, the instrument defaults to automatic range mode. The first time the **RANGE** key is pressed, the instrument goes into manual range mode. The second, third, and fourth key strokes put the instrument in the 0.00-9.99, 10 to 99.9 or 100-1000 NTU range, respectively. Another key stroke brings the selection back to automatic range mode. When the automatic range mode is selected, the **AUTO RNG** icon is displayed. Range selection can be done any time except when a measurement or calibration is in progress.

When the instrument is turned on, the instrument defaults to the range mode and measurement range which was used during the last measurement.

### 3.5 Restoring the Default Calibration

To restore and use the default calibration, turn the instrument off. Press and hold **DIAG**, then press and release **VO**. Release **DIAG** when the software version number disappears from the display. (For models with serial number less than 920300000800, 2100 disappears). **This clears any user-entered calibration from memory**; the 2100P will use the default calibration for measurement. **CAL** will appear and continue to flash until a user-entered calibration is successfully completed.

For best results, a user-entered calibration should be done every three months.

## SECTION 3, continued

### 3.6 Calibration

Calibration of the 2100P Turbidimeter is based on formazin, the primary standard for turbidity. The instrument's electronic and optical design provide long-term stability and minimize the need for frequent calibration. The two-detector ratiating system compensates for most fluctuations in lamp output. **A formazin recalibration should be performed at least once every three months**, more often if experience indicates the need. When calibration is necessary, use a primary standard such as StablCal™ Stabilized Standards or formazin standards.

Hach Company only recommends the use of StablCal® Stabilized Formazin or formazin standards for the calibration of Hach turbidimeters. Hach Company cannot guarantee the performance of the turbidimeter if calibrated with co-polymer styrene divinylbenzene beads or other suspensions.

**Important Note: DO NOT calibrate with Gelex® Secondary Standards. Gelex standards are designed for instrument verification, not calibration.**

#### 3.6.1 StablCal Stabilized Formazin Standards\*

Most consistent results will be achieved with the use of StablCal Stabilized Formazin Standards for calibration. Refer to *Section 3.6.1*, and *Section 3.6.1.3* for information on preparing the standards for use.

*Note: Hach StablCal Stabilized Formazin in 20-, 100-, and 800-NTU values packaged in convenient sets for calibration of the 2100P Turbidimeter. The sets may be ordered in 500-mL size bottles by specifying Cat. No. 26594-00, in 100-mL size bottles by specifying Cat. No. 26594-10 or in sealed vials by ordering Cat. No. 26594-05. (See OPTIONAL ACCESSORIES AND REAGENTS on page 72.)*

##### 3.6.1.1 Storing and Handling StablCal Stabilized Standards

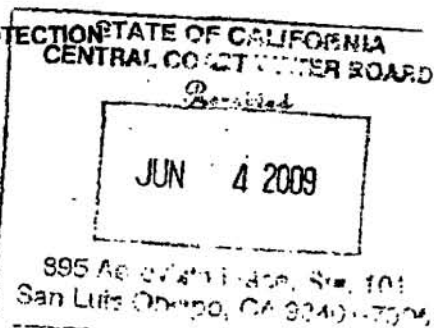
For optimum results when using StablCal Stabilized Standards, adhere to the following recommendations:

\* StablCal Stabilized Formazin is cited as a primary standard in Hach Method 8195, an acceptable version of USEPA Method 180.1.





DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
 P.O. Box 944248  
 SACRAMENTO, CA 94244-2460  
 (916) 653-7772  
 Website: [www.fire.ca.gov](http://www.fire.ca.gov)



June 1, 2009

Mr. Roger W. Briggs, Executive Officer  
 California Regional Water Quality Control Board, Central Coast  
 895 Aerovista Place, Suite 101  
 San Luis Obispo, California 96150

**RE: *Notice of Public Hearing for Recommended Modifications to the Regulation of Timber Harvest Activities in the Central Coast Region***

Dear Mr. Briggs:

The California Department of Forestry and Fire Protection (CAL FIRE) appreciates the opportunity to comment on "Recommended Modifications to the Regulation of Timber Harvest Activities in the Central Coast Region." CAL FIRE appreciates and strongly concurs with Central Coast Regional Water Quality Control Board staff findings regarding timber operations:

"Staff reviewed compliance history of timber harvest operations, water quality impacts from reporting and field observations and thoroughly analyzed temperature and turbidity data. Staff found that timber harvest operations are generally not or only minimally impacting water quality." (page 1, paragraph 2 of the Staff Report prepared for the regular meeting of July 10, 2009 on Recommended Modifications to the Regulation of Timber Harvest Activities in the Central Coast Region).

CAL FIRE has only four minor items for your further consideration regarding the proposed changes in the Central Coast Regional Water Quality Control Board (Water Board) conditional timber waiver:

1. Administrative redundancy relating to Notice of Intent (NOI).
2. Reliance on monitoring performed by landowners (dischargers).
3. Administrative redundancy relating to notification of amendments.
4. Increased participation by Water Board staff in interagency random inspections with CAL FIRE forest practice inspectors.



## **1. Administrative Redundancy Relating to Notice of Intent (NOI)**

Use of the Water Board Notice of Intent (NOI) as the enrollment mechanism for the General Conditional Waiver could be avoided if Water Board staff were to rely on the approved Timber Harvesting Plan (THP) instead. CAL FIRE has established an electronic posting site for all approved THPs and Water Board staff have immediate access to all contact information that would be required for enrollment. The Water Board's NOI (attachment 3 of the proposed Waiver) requires much the same information as what is already required under a THP (Contact information for the Landowner, Registered Professional Forester (RPF), on site contact person, and Timber owner). What is different is the Water Board's NOI includes: (1) certification from the Landowner (under penalty of perjury) that the approved plan information is accurate; (2) an agreement for the landowner to report changes in site conditions; (3) acknowledgement of responsibility for activities that occur on landowner's property, and (4) an acceptance of the WDR requirements and any associated monitoring.

CAL FIRE is not discounting the importance of this additional information, but recognizes a conflict as it pertains to responsible parties. As for (1) above, the Forest Practice Act and Board of Forestry and Fire Protection regulations [14 CCR § 1035.1(a)] assigns responsibility for the accuracy and completeness of a THP to the RPF who prepared the Plan. The responsibility for reporting of changes in site conditions and activities falls to the Licensed Timber Operator (LTO) [see (2) and (3) above and 14 CCR 1035.3(b) & (c)]. Section 916.11 of the Forest Practice Rules pertain in the Central Coast Region and states that CAL FIRE may require effectiveness, implementation, and photographic monitoring when such evaluation is supported by substantial evidence in the record. Such monitoring must be designed in consultation with the Water Board.

Prior to adopting the proposed enrollment process for the General Conditional Waiver, CAL FIRE would recommend a closer examination of the current regulatory requirements under the Forest Practice Rules governing commercial timber operations to better coordinate the informational needs of the Water Board and CAL FIRE. It is likely that the current THP review team process can be used to help acquire the necessary information to satisfy the Water Board's enrollment needs through standard review team comments and questions. The Timber Harvest Summary information required under the proposed NOI is already required in a THP as provided by the RPF of record. Asking landowners, who may not be professionally trained, to provide and verify THP information again in a NOI is not only redundant but may be beyond the individual's capabilities.



## **2. Reliance on monitoring performed by landowners (Dischargers)**

The Water Board's Monitoring and Reporting Program (MRP) rely heavily upon the landowner or "discharger" in providing timely and accurate information to Board staff. Many trained professionals would attest that accurate forensic monitoring often takes years of experience and training. To assume that landowners in general possess the necessary skills to conduct photo-point, forensic, implementation, or effectiveness monitoring is somewhat naïve.

The proposed modifications to the current MRP require photo monitoring, water column monitoring, and temperature monitoring. The Water Board staff acknowledges that past effects of timber operations in most cases do not justify the need for such monitoring (when a project is conducted in a manner according to law and in compliance with an approved THP). Yet the MRO states that a discharger is required to conduct such monitoring at specific locations and frequencies established by the Executive Officer (EO). However, if the EO does not establish monitoring locations, the Discharger is not required to conduct the monitoring. It appears that the latter scenario will be more common so it is recommended that monitoring not be required, except for those instances required by the EO during or after the preharvest inspection and site specific facts are entered into the THP record demonstrating the need and type of monitoring to be conducted.

## **3. Administrative Redundancy Relating to Notification of Amendments**

Water Board staff recommends the continued requirement of having the discharger notify the Water Board of any major or minor amendments to approved THPs or NTMPs. CAL FIRE believes this requirement can be eliminated and thereby reduce redundancy. CAL FIRE established a file transfer protocol server so that all review team agencies, including the Water Board staff would have immediate access to all 2009 Plan amendments submitted to CAL FIRE's Santa Rosa office of record. Paper hardcopies of amendments to Plans approved prior to 2009 will still be provided to Water Board staff and transmitted via ground mail service. For Water Board staff to require a landowner to notify them of a major or minor amendment is unnecessary, since they are already being notified by CAL FIRE.

## **4. Increased Water Board Staff to Participate in Random Inspections**

In accordance with the Water Board staff's recommendation, CAL FIRE would encourage more on-site joint inspections with CAL FIRE Unit Forest Practice Inspectors:





Mr. Roger W. Briggs  
June 1, 2009  
Page 4

*"Water Board staff will also prioritize inspections towards active harvest, postharvest, complaints, and violations inspections for high priority plans as well and random inspections for all plans enrolled under an Individual or General Conditional Waiver" (July 10, 2009 Staff Report: "Recommended Modifications to the Regulation of Timber Harvest Activities in the Central Coast Region).*

Joint, interagency inspections will only increase better cooperation and sharing of information that benefits both CAL FIRE and the Water Board. Since CAL FIRE is already mandated to conduct field inspections to ensure compliance with the State Forest Practices Act and Board of Forestry and Fire Protection's regulations, sharing any and all water quality information with the Water Board staff only makes good common sense. With a severe State budget crisis before us, creative ways of sharing information to make the most use of limited staff and resources should be sought aggressively.

In summary, CAL FIRE appreciates the opportunity to comment on the proposed Waiver and CEQA process. CAL FIRE also supports the Water Board action to modify the existing timber waiver after consideration of the items noted above. If you have questions or wish to schedule a meeting to discuss these comments, please contact Clay Brandow, CAL FIRE Hydrologist, at (916) 653-0719 or via email at [clay.brandow@fire.ca.gov](mailto:clay.brandow@fire.ca.gov).

Sincerely,



CRAWFORD TUTTLE  
Chief Deputy Director

cc: Honorable Mike Chrisman, Secretary, California Natural Resources Agency  
Honorable Linda Adams, Secretary, California Environmental Protection Agency  
Honorable Cindy Tuck, Undersecretary, California Environmental Protection Agency  
Honorable Charles R. Hoppin, Chair, State Water Resources Control Board  
Dorothy Rice, Executive Director, State Water Resources Control Board  
State Clearinghouse

