

**CALIFORNIA REGIONAL WATER QUALITY CONTROL
BOARD LAHONTAN REGION**

**(TENTATIVE) BOARD ORDER NO. R6T-2024-[TENT]
CONDITIONAL WAIVER OF WASTE DISCHARGE
REQUIREMENTS FOR WASTE DISCHARGES RESULTING
FROM TIMBER HARVEST AND VEGETATION MANAGEMENT
ACTIVITIES IN THE LAHONTAN REGION**

"2024 TIMBER WAIVER"

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A. SCOPE OF COVERAGE

- A.1** This Conditional Waiver of Waste Discharge Requirements for Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (2024 Timber Waiver) regulates Timber Harvest and Vegetation Management Activities within the Lahontan Region that meet eligibility criteria and conditions listed below. Timber Harvest and Vegetation Management Activities (“Activities”) (as defined in Attachment A), means activities conducted for the purposes of commercial harvest of forest products and management of trees and vegetation, including, 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; pesticide application; prescribed burning; hazard tree abatement; site preparation that involves disturbance of soil or burning of vegetation following timberland management activities. Activities do not include aquatic vegetation management, prescribed herbivory, preparatory tree marking, surveying, or road flagging.
- A.2** Waste specifically regulated under this 2024 Timber Waiver includes petroleum products, soil, silt, sand, clay, rock, felled trees, rounds, slash, chipped and masticated material, sawdust, bark, ash, and Pesticides (as defined in Attachment A). Wastes not specifically regulated under this Waiver include hazardous materials and human wastes.
- A.3** For purposes of the 2024 Timber Waiver, the term “Discharger” includes the landowner and any person, if not the landowner, implementing or proposing to implement Activities.
- A.4** The 2024 Timber Waiver defines six categories of coverage by Eligibility Criteria, three of which categories require that an application is submitted and accepted by Water Board staff in writing prior to Activities receiving authorization from the Water Board to commence. Only one application (if applicable) must be submitted for each Project enrollment. Categories are defined by the scope of work and physical setting and are identified numerically based on threat to water quality. Category-specific monitoring and reporting requirements follow the same organization and increase with each ascending category. This 2024 Timber Waiver applies to Dischargers who meet the Eligibility Criteria and Conditions, and who submit an application that is accepted by Water Board Staff (as applicable). If Eligibility Criteria and Conditions are not met, the Discharger must file a report of waste discharge with the Water Board pursuant to Water Code section 13260 and seek coverage under individual waste discharge requirements (WDRs), general WDRs, or a general waiver of WDRs.

B. DEFINITIONS

- B.1** Water Code section 13050(d) defines “person”, “waste”, “regional board”, “waters of the state”, and other applicable terms. For the purposes of the 2024 Timber Waiver, terms defined in Attachment A are capitalized throughout the 2024 Timber Waiver.

C. FINDINGS

- C.1** The Findings for the 2024 Timber Waiver are provided in Attachment 1. The Findings contain background information and rationale for the requirements in the 2024 Timber Waiver, and are hereby incorporated into this 2024 Timber Waiver.
- C.2** The California Regional Water Quality Control Board, Lahontan Region (Water Board) has notified the public of its intent to prescribe the 2024 Timber Waiver. The Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the notification and public meeting are provided in Findings for the 2024 Timber Waiver, Attachment 1.

IT IS HEREBY ORDERED, pursuant to Water Code section 13269, that the Water Board waives the requirement to submit a report of waste discharge and obtain waste discharge requirements for all Dischargers of Timber Harvest and Vegetation Management Activities that meet the following criteria and conditions:

D. GENERAL CONDITIONS

- D.1** Wastes must not discharge to Waterbodies (as defined in Attachment A) or be deposited in locations where wastes may discharge to Waterbodies.
- D.2** Activities must not have significant impacts such as those identified in a California Environmental Quality Act (CEQA) Environmental Impact Report, a National Environmental Policy Act (NEPA) Environmental Impact Statement, or Tahoe Regional Planning Agency (TRPA) Environmental Impact Statement.
- D.3** All areas disturbed by Activities must be Stabilized (as defined in Attachment A) at the conclusion of operations or before the Winter Period (as defined in Attachment A), whichever is sooner.
- D.3.1** For Activities occurring during the Winter Period when snow is not present on the ground surface, areas disturbed Activities must be Stabilized prior to sunset on the day before the National Weather Service forecast is a “chance” (30% or more) of 0.5 inches of liquid equivalent (rain or snow water equivalent) precipitation within a 24-hour period.
- D.4** Ground-Based Equipment (as defined in Attachment A) must not be operated in Saturated Soil Conditions (as defined in Attachment A).
- D.5** Prior to initiating Activities, Discharger must identify areas of Ground-Based Equipment exclusion, using one of the following methods:
- D.5.1** Flagging installed at intervals sufficient for identification by field personnel, and/or
- D.5.2** Georeferenced maps supplied and readily available to all field personnel, including equipment operators.
- D.6** Roads and Skid Trails (as defined in Attachment A) used by Ground-Based Equipment must be hydrologically disconnected to the extent practicable at the conclusion of operations or before the Winter Period, whichever is sooner.

- D.7** Activities must not cause or create erosion, destabilization of stream banks, disturbance to non-Target vegetation within Waterbody Buffer Zones (WBBZs) (as defined in Attachment A and described in Attachment B), or concentrated surface runoff.
- D.8** Where an Agent (as defined in Attachment A) is employed to conduct or oversee Activities, the Agent must retain written authorization from the landowner(s) to perform Activities on a subject property.
- D.9** For Activities prohibited by the Region-wide or Unit / Area-specific waste discharge prohibitions in Chapters 4 and 5 of the Water Quality Control Plan for the Lahontan Region (Basin Plan), an exemption to the prohibition(s) must be granted in writing by the Lahontan Water Board to conduct those Activities. In Attachment N, the Water Board grants exemptions to the Basin Plan Prohibitions of waste discharges to Stream Environment Zones (SEZ) (as defined in Attachment A) in the Lake Tahoe Hydrologic Units (HU) for certain Activities.
- D.10** Dischargers must not conduct ground disturbing activities in the Lake Tahoe HU October 15 through May 1 unless expressly authorized in writing by the Water Board Executive Officer. The Executive Officer may authorize extensions based on available weather forecasts provided by the National Weather Service.
- D.11** Activities must be conducted in accordance with any design features, management actions, mitigation measures, and monitoring plans developed by a Lead Agency as part of complying with either CEQA, NEPA, the California Forest Practices Rules (FPRs), or TRPA environmental analysis requirements, or any combination thereof.
- D.12** Activities must not create pollution, contamination, or nuisance, as defined by Water Code section 13050.
- D.13** Slash, chipped, and masticated material must not be discharged to Waterbodies, or be deposited in locations where such material may discharge to a Waterbody. Within WBBZs, compressed slash, chipped, and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches. This condition is not applicable to Category 5.
- D.14** Skid Trail Watercourse Crossings (as Defined in Attachment A) used or constructed during Activities enrolled in Categories 1, 3, 4, 5, and 6 must satisfy the following:
- D.14.1** Skid Trail Watercourse Crossings must be identified, mapped, and described in each Project application (if applicable), except for Skid Trail Watercourse Crossings of Class III and Class IV Waterbodies that are dry at the time of use. The locations and descriptions of Class III and Class IV Skid Trail Watercourse Crossings that are dry at the time of use and are not included in a complete application must be documented as Amendments using Attachment R as a supplement to the respective categorical Implementation Monitoring Reports (Attachments D, H, and G),
- D.14.2** The bed and bank of Watercourses must be left in a condition where erosion does not occur, or may occur, due to rutting, compaction, destabilization, or over-steepening caused by vehicle traffic or log skidding,

- D.14.3** Tracks or tires of Ground-Based Equipment must not contact flowing or standing water,
- D.14.4** Prior to use of Skid Trail Watercourse Crossings, Operable (as defined in Attachment A) soil conditions must exist within the associated WBBZ.
- D.14.5** Skid Trails must not capture or intercept overflow from Watercourses at crossing locations,
- D.14.6** Skid Trail Watercourse Crossings installed on Class I Watercourses (as defined in Attachment B) must allow for fish passage during all life stages,
- D.14.7** Unless proposed for use during the Winter Period in a complete application, Skid Trail Watercourse Crossings must be removed at the conclusion of Activities or before the Winter Period, whichever occurs first,
- D.14.8** Skid Trail Watercourse Crossings proposed for use during the Winter Period must:
 - D.14.8.1** Be removed if the National Weather Service forecast for the Activity Area indicates a risk of flow diversion from the Watercourse channel, or
 - D.14.8.2** Be sized to accommodate the 100-year return event flood flow, and associated debris.
- D.14.9** Skid Trail Watercourse Crossings must be Stabilized (as defined in Attachment A) prior to sunset if the National Weather Service forecast is a “chance” (30% or more) of rain within the next 24-hours.
- D.15** Skid Trail Watercourse Crossings removed or abandoned during Activities must satisfy the following stabilization and restoration requirements:
 - D.15.1** Unconsolidated sediment or any other waste must be removed from the bed and banks of the Watercourse at the crossing location; unconsolidated sediment must be Stabilized in a location where it will not enter the Watercourse.
 - D.15.2** The alignment and grade of the bed and banks must be returned to conditions prior to the Skid Trail Watercourse Crossing installation or use. Widening the Watercourse channel at the crossing location is acceptable per FPR 943.9. 963.9.
 - D.15.3** Materials used in the construction of Skid Trail Watercourse Crossing structures must be placed in locations where these materials will not be transported to a Waterbody.
 - D.15.4** Banks of Watercourses at Skid Trail Watercourse Crossings must be Stabilized; materials used to stabilize Watercourse banks and adjacent Skid Trails must not enter the Watercourse.
 - D.15.5** Skid Trails must be hydrologically disconnected from crossing locations to the extent practicable per the following minimum requirements:
 - D.15.5.1** Waterbreaks (as defined in Attachment A) or other overflow structures are installed on either side of the crossing location where the Skid Trail has potential to deliver sediment to the Watercourse at the crossing location.

- D.15.5.2** Waterbreaks are installed upslope of the crossing location on the Skid Trail at intervals appropriate for the grade of the road or Skid Trail and the Erosion Hazard Rating (EHR, as defined in Attachment A) of the soils present.
- D.16** Constructed or Reconstructed Permanent Roads and associated Permanent Watercourse Crossings (as defined in Attachment A) must not discharge or threaten to discharge waste to a waterbody. Roads and Permanent Watercourse Crossings must include water quality protection and erosion control measures which either:
- D.16.1** Adhere to FPRs Article 12, Section 943, 963 (Cal. Code of Regs., title 14, section 943) specifications, and reflect applicable design, construction and Reconstruction principles and practices detailed Technical Rule Addendum No. 5, or
- D.16.2** Reflect applicable design, construction and Reconstruction principles and practices detailed in *Handbook for Forest, Ranch and Rural Roads*, by the Pacific Watershed Associates.
- D.17** The following preventative measures must be implemented to prevent waste discharges to surface waters:
- D.17.1** Petroleum products, Pesticides, equipment fuel and/or synthetic lubricants must not be stored within WBBZs,
- D.17.2** Refueling or lubricating equipment and tools must be performed outside of WBBZs,
- D.17.3** All equipment used must be monitored for leaks, and removed from service if necessary to protect water quality,
- D.17.4** One or more spill kits adequate to contain spills that could result from onsite equipment must remain on site for the duration of the Activity, and
- D.17.5** Spilled liquid wastes must be cleaned up immediately, any contaminated soil must be contained, and these wastes must be removed from the site for proper disposal.
- D.18** In areas where tractors, vehicles, or equipment are operated over-snow, the following must be clearly marked for operator visibility:
- D.18.1** Waterbodies,
- D.18.2** SEZ and 100-Year Floodplains, and
- D.18.3** All Temporary and Permanent Watercourse Crossings.
- D.19** Plowing of roads, Landings (as defined in Attachment A), and turnouts during over-snow operations must allow for adequate road drainage, and must not:
- D.19.1** Discharge soil or sediment to a Waterbody,
- D.19.2** Damage road surfaces and associated drainage structures, or
- D.19.3** Result in concentrated flows of snowmelt and runoff that has the potential to reach a Waterbody.

- D.20** Trees must be directionally felled away from Watercourses and Waterbodies to the extent practicable.
- D.21** For Activities involving Prescribed Fire:
- D.21.1** Discharger must prevent waste discharge to Waterbodies from areas burned within WBBZs and 100-year floodplains.
 - D.21.2** Constructed control lines must not concentrate runoff and must be hydrologically disconnected from Waterbodies. Activities to prevent the concentration of surface runoff and hydrologically disconnect control lines must be implemented at the end of burning operations or prior to sunset if the National Weather Service forecast is a “chance” (30% or more) of 0.5 inch of rain within the next 24 hours.
 - D.21.3** Broadcast Burning (as defined in Attachment A) must not include active ignition within 25 feet of a Waterbody, within an SEZ, or within 100-year Floodplains (as defined in Attachment A).
 - D.21.4** Burn Piles (as defined in Attachment A) placed within WBBZs:
 - D.21.4.1** Must not be located within the 100-Year Floodplain of any Waterbody,
 - D.21.4.2** Must be located a minimum of 25 feet from any Waterbody,
 - D.21.4.3** Must be no more than 10 feet in diameter,
 - D.21.4.4** Must not occupy more than 10% of a treatment acre within the WBBZ.
- D.22** Over-snow Watercourse Crossings constructed as part of Activities must be removed at the conclusion of operations or before a 30 percent chance of one inch of rain in a 24-hour period as predicted by the National Weather Service except for Watercourse Crossings that are designed to convey 100-year return event flood flow, and associated debris. Removal of such Watercourse Crossings must be done without disturbing Watercourse bed or banks.
- D.23** Vegetation, other than Target Species (as defined in Attachment A), found along Waterbodies, within, or bordering meadows and wet areas, must be retained and protected during Activities, unless they have been marked or designated by written prescription for removal by a Registered Professional Forester (RPF) or supervised designee, a Federal Forestry Professional, or a Natural Resource Professional to achieve fuel reduction goals or riparian forest health.
- D.24** All physical features requiring documentation in category-specific application requirements (Categories 4, 5, and 6) must be field-verified by a RPF, Federal Forestry Professional (as defined in Attachment A), or Natural Resource Professional (as defined in Attachment A) prior to the commencement of Activities described in a complete application. If field verification results in the modification to features submitted in a complete application and does not result in a material change according to General Monitoring and Reporting Condition E.4, modifications are considered Amendments and the Discharger must submit Amendments per General Monitoring Conditions E.6.
- D.25** Dischargers who apply Pesticides must follow Pesticide label instructions.

E. GENERAL MONITORING AND REPORTING CONDITIONS

Pursuant to Water Code section 13267, the following Monitoring and Reporting requirements apply to activities subject to this 2024 Timber Waiver.

- E.1** Dischargers must notify the Water Board in writing of all unauthorized discharges of waste to Waterbodies in writing within 48 hours of detection of the discharge or the next business day, whichever comes first. The notification to the Water Board must contain the following:
 - E.1.1** The date the incident was discovered,
 - E.1.2** A map indicating where the discharge occurred,
 - E.1.3** A description of recent weather conditions prior to discovery,
 - E.1.4** Description of the nature and extent of discharge, including a volumetric estimate of the amount of waste discharged,
 - E.1.5** Color photographs of the source of waste and point of delivery to the Waterbody using the Photo-Point Monitoring Form (Attachment L), and
 - E.1.6** Description of corrective actions that will be implemented to mitigate the discharge and to avoid future discharges at the site. If the Discharger is unable to develop a description of corrective actions within 48 hours of detection, the response must indicate a timeline in which corrective actions will be developed, not to exceed 30 days.
- E.2** For Categories 4, 5, and 6, the Discharger must conduct monitoring and reporting pursuant to Water Code section 13267 unless alternate monitoring and reporting requirements have been approved by the Executive Officer.
- E.3** Upon written notice by Water Board staff, Discharger must furnish the following within 15 days:
 - E.3.1** Written agreements between Agent and landowner authorizing the Agent to act on behalf of the landowner,
 - E.3.2** A map indicating the locations of dry Class III and Class IV Skid Trail Watercourse Crossings (As defined in Attachment A) used or constructed that were not included in a complete application, as a supplemental map or a revision to a previously submitted map,
 - E.3.3** Activity-specific information for Category 1 and 2 Activities, or for Activities where a determination of Waiver Non-Applicability has been made, including:
 - E.3.3.1** A written narrative of Project description and purpose,
 - E.3.3.2** Maps accurately displaying the general Project location, Activity Area, and dry Class III and Class IV Skid Trail Watercourse Crossings (as defined in Attachment A), or
 - E.3.3.3** Project start and end dates.
- E.4** Any proposed material change to the Activities covered under the 2024 Timber Waiver must be reported to the Water Board. All proposed material changes must

receive written acceptance by Water Board staff prior to the implementation of any such change. Material changes include, but are not limited to:

- E.4.1** Change of Project location or increase in size,
 - E.4.2** The addition of Winter Period operations,
 - E.4.3** Relocation or addition of Temporary, Permanent, or Skid Trail Watercourse Crossings that would require additional management practices to avoid adverse effects to the quality of waters of the state not previously documented in a complete application (excluding Skid Trail Watercourse Crossings of Class III or Class IV Watercourses that are dry at the time of use),
 - E.4.4** Addition or relocation of roads, Landings, or Skid Trails into a WBBZ, SEZ, or 100-Year Floodplain,
 - E.4.5** The increase in physical extent of any previously mapped Waterbodies, or
 - E.4.6** Change in Project Activities that requires the Water Board Executive Officer to grant an Activity-specific exemption to waste discharge prohibitions contained in the Basin Plan for Activities not granted an exemption in Attachment N.
- E.5** Any proposed material change to Activities that do not result in a change in qualification under this 2024 Timber Waiver to a higher Category (e.g., Category 4 to Category 6) must be reported to the Water Board prior to implementation using Material Change and Amendment Form (Attachment R). Material changes to Category 6 Projects must be reported to the Water Board prior to implementation using Material Change and Amendment Form (Attachment R) and must not proceed until Water Board staff provide written notice to the Discharger that the Material Change is accepted.
- Any proposed material change to a Project that results in a change in qualification under this waiver to a higher category (e.g., Category 2 to 4, or Category 4 to 6) must follow the notification requirements as if it was a new application.
- E.6** Project modifications that do not result in a material change according to General Monitoring and Reporting Condition E.4 are considered Amendments (as defined in Attachment A). Amendments must be furnished to Water Board staff within 15 days of written notice and must be documented and submitted to Water Board with annual monitoring reports using the Material Change and Amendment Form (Attachment R).
 - E.7** Substantial Deviations associated with Plans approved by the California Department of Forestry and Fire Protection (CAL FIRE) are not considered material changes, provided Water Board staff participated in the interdisciplinary review team process and recommendations, if any were provided, were incorporated into the approved Substantial Deviation. Substantial Deviations associated with CAL FIRE approved Plans must be documented in the respective Implementation Monitoring Reports in which the Substantial Deviation was approved by CAL FIRE.
 - E.8** For inspections and conducting monitoring, Water Board staff must be allowed reasonable access onto properties where Activities are proposed, being conducted, or have been terminated or completed. Inspections and monitoring may

include sample collection, measuring, and photographing/videotaping to determine compliance with 2024 Timber Waiver Conditions and Eligibility Criteria. Such inspections and monitoring are consistent with Water Code section 13267, subdivision (c), California Public Resources Code (PRC) section 4604, subdivision (b)(1), and other applicable laws.

- E.9** Prior to, or immediately upon entering a property where Activities occur, Water Board staff will attempt to contact the site owner, persons performing Activities, or other on-site representative(s) to inform the landowner or persons onsite of each inspection, and to discuss any safety considerations. If consent to access to property is unreasonably withheld, the Executive Officer may terminate the enrollment under the 2024 Timber Waiver.
- E.10** Condition for Categories 4, 5, or 6: For observing, inspecting, photographing, digitally recording or videotaping, measuring, or collecting samples or other monitoring information to document compliance or non-compliance with the Eligibility Criteria, Conditions, or provisions of this Timber Waiver, Dischargers agree to allow Water Board staff:
- E.10.1** Entry at any time, with or without advance notice, onto:
- E.10.1.1** The real property where Activities covered under this 2024 Timber Waiver are proposed, are being conducted, or have concluded, and
- E.10.1.2** Any and all outdoor areas in the control or ownership of the Discharger, in the vicinity of and downstream of Activities.
- E.10.2** Access to and permission to copy any record required to be kept under the conditions of this 2024 Timber Waiver, including, but not limited to, any self-monitoring records and equipment used to fulfill monitoring requirements.
- E.11** All applications and monitoring reports submitted electronically via email must be sent to the following email address: lahontan@waterboards.ca.gov. Electronic documents must be formatted with searchable text and all email communication must include the Project Waste Discharge Identification (WDID) in the subject line. For categories 4, 5, and 6, monitoring reports must be submitted by July 15 until coverage under the 2024 Timber Waiver is terminated in writing by Water Board staff.
- E.12** Discharger must maintain at the Activity Area a copy of this 2024 Timber Waiver and a copy of the complete application (if applicable) submitted to the Water Board during Active Operations (as defined in Attachment A) so as to be available at all times for personnel implementing and overseeing Activities.
- E.13** For Activities enrolled under Category 4, 5, or 6, Discharger must notify the Water Board in writing within 15 days of any change of owner or primary contact included in a complete application

F. TIMBER WAIVER CATEGORIES AND CONDITIONS

Table 1 - Summary of Timber Harvest and Vegetation Management Activity Categories

Please note that this table supplies a summary of each category and is provided to direct dischargers to appropriate sections of the 2024 Timber Waiver. Dischargers must confirm that Activities conform to category-specific Eligibility Criteria and Conditions prior to initiating Activities or submitting an application.

Category	Type of Timber harvest and Vegetation Management Activities	Notification, application, and monitoring requirements	Application processing timeline
1 Page 15	Activities associated with Structure defensible space, Structure wildfire risk reduction, CAL FIRE exemptions, and construction on undeveloped lots less than 3 acres in size.	No notification, application, or monitoring.	None
2 Page 16	Activities Conducted by Hand Crew Operations and Low Impact Equipment, including Thinning Operations and Prescribed Fire.		
3 Page 17	Emergency Rehabilitation Activities	Written notification within seven days of initiation. Effectiveness and Photo Point Monitoring upon Water Board staff written notice	
4* Page 18	Activities, Including Equipment Operations in WBBZs, Skid Trail Watercourse Crossings of Class III and Class IV Watercourses, Road Maintenance, and Mechanical Site Preparation, that Rely on Existing Roads	Application, Implementation monitoring and annual reporting, and Project Completion Form submittals required. Winter operations require Winter period monitoring.	Work may begin upon receipt of Notice of Applicability by Water Board staff. Allow for 30-day processing

Category	Type of Timber harvest and Vegetation Management Activities	Notification, application, and monitoring requirements	Application processing timeline
<p>5 Page 23</p>	<p>CAL FIRE Approved Plans and Associated Substantial Deviations</p>	<p>Application, monitoring and reporting, and Project Completion Form submittals required.</p>	<p>Work may begin upon receipt of Notice of Applicability by Water Board staff, allow for 30-day processing</p>
<p>6* Page 26</p>	<p>Activities that are Not Eligible for Categories 1 through 5 and can Include the Construction of New Roads; Construction or Reconstruction of Permanent Watercourse Crossings; Construction or Reconstruction of Temporary Watercourse Crossings on Class I and II Watercourses; and Placement and Ignition of Burn Piles or Ground-Based Equipment Operations within Waterbody Buffer Zones, 100-Year Floodplains, or Stream Environment Zones</p>	<p>Application, monitoring and reporting, and Project Completion Form submittals required</p>	<p>Work may begin upon receipt of Notice of Applicability by Water Board staff, allow for 30-day processing</p>

***Note:** Expedited Enrollment is optional for Category 4 and 6 Projects conducted in the post-fire environment, see the applicable sections which describe 4E and 6E Projects, located below Category 4 and 6, respectively. Please refer to category-specific Monitoring and Reporting sections for more information. For a summary and timeline of the monitoring and reporting required for Categories 4, 5, and 6, please review Attachment P.

F.1. Category 1: Activities associated with Structure defensible space, Structure wildfire risk reduction, CAL FIRE exemptions, and construction on undeveloped lots less than 3 acres in size.

F.1.1 Category 1 Eligibility Criteria:

Activities conducted under Category 1 must comply with the General Conditions of this 2024 Timber Waiver. Activities that may proceed under this category are any of those:

- F.1.1.1** Undertaken to comply with state, local, or county defensible space requirements, including PRC section 4291 requirements, or
- F.1.1.2** Conducted on Undeveloped Lots (as defined in Attachment A) up to three acres in size for the purpose of fuels reduction or construction activities, or
- F.1.1.3** Conducted on public lands or with public funding (where an RPF, Federal Forestry Professional, or Natural Resource Professional has developed and oversees the Activities) to provide up to a 1,000-foot defense zone adjacent to subdivision boundaries, private parcel lot lines, and/or around Structures and facilities (not including linear features such as roads, trails, or utility corridors), or
- F.1.1.4** Conducted under the Tahoe Program Timberland Environmental Impact Report with the incorporation of all applicable Standard Project Requirements, California Forest Practice Rules, and mitigation measures with environmental analysis results of “Within the Scope” as determined using a Project Consistency Checklist, or
- F.1.1.5** Conducted under a CAL FIRE accepted Exemption in compliance with California Code of Regulations (CCR), title 14, section 1038, without any exceptions to section 1038.1(c) 5, 6, 7, 8, and 12, or
- F.1.1.6** Undertaken to remove isolated Hazard Trees in response to an imminent threat to life or property, or
- F.1.1.7** Conducted to reduce roadside fuel loading on designated evacuation routes not exceeding 300 feet from the road edge, or
- F.1.1.8** Conducted to reduce fuel loading adjacent to petroleum or flammable liquid storage tanks or facilities not exceeding 300 feet from the tank or facility.

F.1.2 Category 1 Conditions:

Dischargers conducting Activities meeting any of the Category 1 Eligibility Criteria listed above must comply with the following conditions:

- F.1.2.1** Slash piles must not be built or burned within WBBZs, SEZs or 100-Year Floodplains.
- F.1.2.2** Ground-Based Equipment must be excluded from operating or staging in SEZs or wet areas.
- F.1.2.3** Ground-Based Equipment, including tractors and vehicles, must be excluded from operating or staging in WBBZs, except for in the following circumstances:

F.1.2.3.1 Over existing roads or Watercourse Crossings where vehicle tires or tracks remain dry, and

F.1.2.3.2 Class III and Class IV Skid Trail Watercourse Crossings that are dry at the time of use and adhere to General Conditions 14 and 15 (D.14 and D.15).

F.1.2.4 The operation of Ground-Based Equipment must minimize soil disturbance to the maximum extent practicable.

F.1.2.5 Activities must not include construction or Reconstruction of Temporary or Permanent Roads.

F.2. Category 2: Activities Conducted by Hand Crew Operations and Low Impact Equipment, including Thinning Operations and Prescribed Fire

F.2.1 Category 2 Eligibility Criteria:

Activities conducted under Category 2 must comply with the General Conditions of this 2024 Timber Waiver. Activities that may proceed under this category must meet all the following Eligibility Criteria:

F.2.1.1 Activities must be conducted by Hand Crew or Low Impact Equipment (as defined in Attachment A) with ground pressure less than 10 pounds per square inch (psi), and

F.2.1.2 No Low Impact Equipment operation on soils with high or extreme EHR, known landslides, or Unstable Areas (as defined in Attachment A), except over-snow operations.

F.2.2 Category 2 Conditions:

Dischargers conducting Activities meeting all Category 2 Eligibility Criteria listed above must comply with the following conditions:

F.2.2.1 Ground-Based Equipment access must be limited to existing roads with the following exceptions:

F.2.2.1.1 Low Impact Equipment with ground pressures less than 10 psi when fully loaded, such as chippers, brush mowers, harvester-mounted masticators, or similar equipment for onsite processing of materials; and

F.2.2.1.2 Low Impact all-terrain vehicles (ATVs), snowmobiles, or Utility Terrain Vehicles (UTVs) that exhibit ground pressure of less than 10 psi, and

F.2.2.2 No construction, Reconstruction, or expansion of roads, Watercourse Crossings, Skid Trail Watercourse Crossings, Landings, staging areas, or other features that require soil grading and excavation, and

F.2.2.3 Operation of Low Impact Equipment off roads must be excluded within 25-feet from all Waterbodies, within SEZs, and within WBBZs, except over existing roads or Watercourse Crossings where vehicle tires or tracks remain dry and must only occur when at least one of the following conditions occurs:

F.2.2.3.1 Soils are Operable (as defined in Attachment A); or

F.2.2.3.2 Hard-Frozen Soil Conditions (as defined in Attachment A) exist; or

F.2.2.3.3 Snow depth is sufficient to not allow visible disturbance of soils.

F.2.2.4 Prescribed Fire must not occur within SEZs of the Lake Tahoe HU.

Note: Specific Activities involving Prescribed Fire that do not meet the above conditions may be eligible under Categories 4, 5, or 6.

F.3 Category 3: Emergency Rehabilitation Activities

F.3.1 Category 3 Eligibility Criteria:

Activities conducted under Category 3 must comply with the General Conditions of this 2024 Timber Waiver. Activities that may proceed under this category must meet all the following eligibility criteria:

F.3.1.1 Implemented in response to an Emergency (as defined in Attachment A), including wildfires and suppression of wildfires, for any of the following purposes:

F.3.1.1.1 to minimize threats to life or property,

F.3.1.1.2 to stabilize soil and prevent degradation to natural resources, or

F.3.1.1.3 to stabilize soil and prevent degradation to cultural resources.

F.3.1.2 Activities must not be initiated more than 120 days of a wildfire being declared controlled or the initial occurrence of an emergency not related to a wildfire.

F.3.1.3 Activities conducted under a CAL FIRE accepted Emergency Notice are not eligible for enrollment under Category 3.

F.3.2 Category 3 Conditions:

F.3.2.1 Dischargers proposing Activities described above must contact the Water Board in writing within 60 days of a wildfire being controlled or the initial occurrence of an emergency not related to a wildfire.

F.3.2.2 All Activities must be completed within 365 days of a wildfire being declared controlled or within 365 days of the initial occurrence of an emergency not related to a wildfire.

F.3.2.3 Dischargers conducting Activities described above must contact Water Board staff in writing within seven days of initiating Activities and must provide the following:

F.3.2.3.1 Location and a description of the Activities being conducted,

F.3.2.3.2 Name, phone number, and email address of the primary persons supervising and/or implementing Activities,

F.3.2.3.3 Mitigation measures included to prevent adverse impacts to water quality, and

F.3.2.3.4 Plans or documents guiding the implementation of post-fire Emergency rehabilitation, if available.

F.3.2.4 If a U.S. Forest Service Burned Area Emergency Response (BAER) report or similar is prepared independent of Water Board requirements, the landowner

or Agent must make a copy available to Water Board staff upon written notice.

F.3.3 Category 3 Monitoring and Reporting Requirements:

F.3.3.1 Pursuant to Water Code section 13267, post-fire Emergency Activities covered under Category 3 are subject to comply with Effectiveness Monitoring (as defined in Attachment A) and Photo Point Monitoring (Attachments J and L, respectively) upon written notice from Water Board staff.

F.4 Category 4: Activities, Including Equipment Operations in WBBZs, Skid Trail Watercourse Crossings of Class III and Class IV Watercourses, Road Maintenance, and Mechanical Site Preparation, that Rely on Existing Roads.

F.4.1 Category 4 Eligibility Criteria:

Activities conducted under Category 4 must comply with the General Conditions of this 2024 Timber Waiver. Activities that may proceed under Category 4 must meet all the following 13 eligibility criteria:

- F.4.1.1** No construction of new temporary or permanent roads.
- F.4.1.2** No Reconstruction of existing roads.
- F.4.1.3** No construction or Reconstruction of Permanent Watercourse Crossings.
- F.4.1.4** No widening of road surfaces in WBBZs, areas of high or extreme EHR, or in Unstable Areas.
- F.4.1.5** No construction or use of Skid Trail Watercourse Crossings on Class I or II Watercourses except for the use or construction of over-snow Watercourse Crossings.
- F.4.1.6** No tractor, vehicle, or Ground-Based Equipment Operations within WBBZs (as defined in Attachment B), except for:
 - F.4.1.6.1** Use and maintenance of existing roads and Watercourse Crossings,
 - F.4.1.6.2** Class III and Class IV Skid Trail Watercourse Crossings,
 - F.4.1.6.3** Use of equipment with ground pressures less than 13 psi when fully loaded at distances greater than 25 feet from a waterbody, when soils are Operable,
 - F.4.1.6.4** When snow depth is sufficient to not allow visible disturbance of soils, or
 - F.4.1.6.5** When Hard-Frozen Soil Conditions exist.
- F.4.1.7** No tractor, vehicle, or Ground-Based Equipment Operations within SEZs or 100-Year Floodplains of the Truckee River, Little Truckee River, or Lake Tahoe HUs; (as defined in Attachment B), except for:
 - F.4.1.7.1** Cut to Length (CTL) Equipment operations which satisfy all of the following:

- F.4.1.7.1.1** Operating on slash mats to prevent direct contact of Equipment tracks/tires with ground surface;
- F.4.1.7.1.2** Operating with less than 13 PSI when fully loaded
- F.4.1.7.1.3** Operating distances greater than 25 feet from a waterbody
- F.4.1.7.1.4** When soils are Operable
- F.4.1.7.2** Use and maintenance of existing roads and Watercourse Crossings,
- F.4.1.7.3** When snow depth is sufficient to not allow visible disturbance of soils, or
- F.4.1.7.4** When Hard-Frozen Soil Conditions exist.
- F.4.1.8** No Mechanical Site Preparation that involves soil disturbance or results in exposed soil.
- F.4.1.9** No Activities on slopes greater than 60%, except for aerial or cable operations.
- F.4.1.10** No tractor, vehicle, or Ground-Based Equipment operations on slopes greater than 50%.
- F.4.1.11** No construction or use of new Skid Trails on slopes greater than 40%, except over-snow operations.
- F.4.1.12** No construction of Landings requiring earthwork (i.e., grading or excavation) on slopes greater than 20% and within 200 feet of a waterbody and where there is potential for sediment delivery to a waterbody due to soil disturbances.
- F.4.1.13** No tractor, vehicle, or Ground-Based Equipment operations on soils with high or extreme EHR, known landslides, or Unstable Areas, except over-snow operations.

F.4.2 Category 4 Conditions:

Dischargers conducting Activities meeting the eligibility criteria listed above must comply with the following Conditions to proceed under this 2024 Timber Waiver category:

- F.4.2.1** Submit a complete Category 4 Application Form (Attachment C). Activities may begin once Water Board staff notify Discharger that an application is complete as documented in a Notice of Applicability (NOA), or 30 days following the submittal of an application to the Water Board with the following exceptions:
 - F.4.2.1.1** Per General Provision G.2, portions of an Activity that are eligible for Category 1, 2, or 3 that are temporally phased or geographically divided may begin prior to the receipt of an NOA, provided all respective conditions of the eligible category are complied with, or
 - F.4.2.1.2** Per General Provision G.2, portions of an Activity that may not potentially result in a discharge or threatened discharge of waste to waters of the state may commence prior to the receipt of an NOA, or

F.4.2.1.3 Dischargers who submitted an application for coverage under the 2014 Timber Waiver or 2019 Renewal of the 2014 Timber Waiver that was deemed complete by Water Board staff, are not required to submit an application to obtain coverage under the 2024 Timber Waiver for those same Activities only if the Activities comply with the respective Eligibility Criteria and Category-specific Conditions of the stated Category in the 2024 Timber Waiver.

F.4.2.2 Class III Skid Trail Watercourse Crossings must not destabilize the bed or banks of Watercourses.

F.4.2.3 Class III Skid Trail Watercourse Crossings must be abandoned upon completion of use or before the Winter Period, whichever is soonest.

F.4.2.4 Management practices for erosion and sediment control must be described in a complete application for all Skid Trail Watercourse Crossing structures proposed for use where water is flowing or standing at the time of installation or removal.

F.4.2.5 Tractor, vehicle, or Ground-Based Equipment operations on roads or anywhere outside WBBZs and SEZs must be limited to:

F.4.2.5.1 When Saturated Soil Conditions are not present, or

F.4.2.5.2 Over Hard-Frozen Soil Conditions, or

F.4.2.5.3 When snow depth is sufficient to not allow visible disturbance of soils.

F.4.2.6 Prescribed Fire must not occur within SEZs in the Lake Tahoe HU.

F.4.2.7 Existing roads used during Activities must be stabilized at the conclusion of Activities or before the Winter Period, whichever is sooner.

F.4.3 Category 4 Monitoring and Reporting Requirements:

Pursuant to Water Code section 13267, the following Monitoring and Reporting requirements apply to Activities regulated under Category 4:

F.4.3.1 Discharger must conduct Implementation Monitoring (as Defined in Attachment A), as described in the Category 4 Implementation Monitoring Form (Attachment D), before November 15 of every year for the duration of Activities. Monitoring reports must be submitted to the Water Board by July 15 of the following year.

F.4.3.2 The Water Board Executive Officer may temporarily suspend Implementation Monitoring for an entire Activity Area or for operationally discreet units within an Activity Area clearly identified in a Category 4 Application under the following circumstances:

F.4.3.2.1 Extended periods of inactivity greater than one calendar year, if Implementation Monitoring Report (Attachment D) has been submitted to the Water Board and no ground disturbing have occurred since the preceding fall or winter, or

F.4.3.2.2 Where Project operations have commenced and are then subsequently suspended indefinitely by events beyond the control of the Discharger.

F.4.3.3 Under either of the temporary monitoring suspensions described in Category 4 Monitoring and Reporting Requirement 2 (F.4.3.2), no Project-related equipment shall enter the Activity Area during these periods of inactivity, either on or off roads. The Discharger must note these periods of inactivity on the annual monitoring reports and include an explanation for the temporary suspension. The Discharger must resume monitoring upon receiving notice by Water Board staff of the end of the temporary monitoring suspension or resuming on site Ground-Based Equipment operations, whichever occurs sooner.

F.4.3.4 If tractor, vehicle, or Ground-Based Equipment operations occur in the Winter Period, the Discharger must comply with the Category 4 Daily Winter-Period Monitoring Program (Attachment E) and conduct Winter Implementation Monitoring (Attachment H). Data accumulated during this monitoring must be retained by the Discharger and submitted July 15 of every year.

F.4.3.5 Dischargers must notify the Water Board in writing at least 15 days prior to the proposed application of Pesticides, except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:

F.4.3.5.1 Type of Pesticide,

F.4.3.5.2 Method and area of application,

F.4.3.5.3 Projected date of application, and

Subsequent changes to the notice must be submitted in writing at least 14 days before the application of said Pesticides unless Water Board staff agrees in writing to a shorter notice period.

F.4.3.6 To terminate coverage under the 2024 Timber Waiver, Dischargers must submit an Implementation Monitoring Form (Attachment D) and request termination of coverage under this 2024 Timber Waiver in accordance with Attachment M, Notice of Activity Completion Form.

F.4.3.7 Activities remain subject to all applicable 2024 Timber Waiver Criteria and Conditions (including required monitoring and reporting) until a notice is received from Water Board staff terminating coverage under the 2024 Timber Waiver. Prior to approving (or declining) termination of coverage, Water Board staff may inspect the Activity area.

F.4E Category 4E: Expedited Enrollment Option for Post-Wildfire Activities which Meet Category 4 Eligibility Criteria and Conditions.

F.4E.1 Category 4E Eligibility Criteria:

F.4E.1.1 Projects which Adhere to Category 4 Eligibility Criteria and Conditions, located in a post-fire environment.

F.4E.1.2 Projects with an accepted CAL FIRE Emergency Notice pursuant to 14 CCR, Title 14, Section 1052 are eligible for expedited enrollment under Category 4E if Activities meet Category 4 Eligibility Criteria and Conditions.

F.4E.1.3 Post-fire Activities located on Federal Lands are eligible for expedited enrollment under Category 4E if Activities meet Category 4 Eligibility Criteria and Conditions.

F.4E.2 Category 4E Conditions:

F.4E.2.1 Category 4E Activities may commence after submittal of Expedited Enrollment Notification Form (Attachment S).

F.4E.2.2 Within 30 days of submittal of Attachment S, Discharger must submit a complete Category 4 Application Form (Attachment C), and Significant Existing and Potential Erosion Sites (SEPES, as defined in Attachment A) Table (Attachment T).

Note: Attachment T contains information regarding SEPES identification, quantification of potential discharge, avoidance, and treatment.

F.4E.2.3 SEPES within the Activity Area which are disturbed or potentially affected by Activities must be identified and classified by the Discharger according to the directions in Attachment T for treatment in accordance with the timelines below. SEPES must be Stabilized or avoided to an extent that Activities will have no direct or indirect effect on the sites. SEPES stabilization is subject to the following requirements:

F.4E.2.3.1 High priority SEPES must be permanently Stabilized prior to the Winter Period,

F.4E.2.3.2 Medium priority SEPES must be permanently Stabilized within 365 days from NOA,

F.4E.2.3.3 Low priority SEPES must be Stabilized prior to termination of coverage, and

F.4E.2.3.4 SEPES identified for avoidance, and no treatment, must include documentation in Attachment T that describes specific measures used to avoid a given site such that there is no direct or potential indirect effect on a given SEPES.

F.4E.2.4 In-Lieu SEPES Treatment (As defined in Attachment A) may be proposed by Timber Waiver Category 4E Dischargers for Water Board Acceptance if conducted on parcels owned by the Discharger and within the same watershed, when the Discharger provides the following information:

F.4E.2.3.1 A summary of SEPES proposed for no treatment and the SEPES proposed for treatment, including quantitative estimates of existing and potential erosion discharge,

F.4E.2.3.2 A summary of the SEPES setting relative to current and anticipated future land use,

F.4E.2.3.3 A summary of receiving Waterbodies at SEPES proposed for In Lieu Treatment, and

F.4E.2.3.4 A summary of the anticipated water quality benefits of the proposed In Lieu SEPES Treatment that considers the quantities of potential discharges and beneficial uses of receiving waters.

Note: Attachment T contains additional information regarding In Lieu SEPES Treatment Proposals.

F.4E.3 Category 4E Monitoring and Reporting Requirements

- F.4E.3.1** Dischargers must comply with the Monitoring and Reporting Program described in the Category 4 Application Form (Attachment F), or as directed by the Executive Officer. Dischargers must submit Monitoring reports to the Water Board by July 15 of the following year.
- F.4E.3.2** If tractor, vehicle, or Ground-Based Equipment operations occur in the Winter Period, the Discharger must comply with the Category 4 Daily Winter-Period Monitoring Program (Attachment E) and conduct Winter Implementation Monitoring (Attachment H). Data accumulated during this monitoring must be retained by the Discharger and submitted July 15 of every year.
- F.4E.3.3** Category 4E Projects are eligible for termination of coverage when Discharger demonstrates successful SEPES treatment using Effectiveness Monitoring Form (Attachment J) and if requested by Water Board staff, Photo Point Monitoring form (Attachment L).

F.5 Category 5: CAL FIRE Approved Plans (including Timber Harvest Plans, Non-Industrial Timber Management Plans, Working Forest Management Plans, Program Timber Harvesting Plans, Modified Timber Harvesting Plans, and other Plans) and associated Substantial Deviations.

F.5.1 Category 5 Eligibility Criteria:

Activities conducted under Category 5 must comply with the General Conditions of this 2024 Timber Waiver. Activities eligible under this category must meet the following criteria:

- F.5.1.1** A Timber Harvest Plan (THP), Nonindustrial Timber Management Plan (NTMP), Working Forest Management Plan, Program Timber Harvesting Plan, or Modified Timber Harvesting Plan (collectively Plan) was developed for Activities and Water Board staff participated in the interdisciplinary review team process for that Plan, and the Plan was approved by CAL FIRE; and
- F.5.1.2** If recommendations were made by Water Board staff during the CAL FIRE interdisciplinary review team process, they were incorporated into the approved Plan or the Timber Waiver application.

F.5.2 Category 5 Conditions:

Dischargers conducting activities meeting Category 5 Eligibility Criteria listed above must comply with the following conditions to proceed under Category 5:

- F.5.2.1** Submit a complete Category 5 Application Form (Attachment F). Activities may begin upon verification from Water Board staff that a complete application was received as determined by the transmittal of an NOA from Water Board staff or 15 days following the submittal of an application to the Water Board.

Dischargers who submitted an application for coverage under the 2014 Timber Waiver or the 2019 Renewal of the 2014 Timber Waiver that was deemed complete by Water Board staff, are not required to submit an application to obtain coverage under the 2024 Timber Waiver for those same Activities only if the Activities comply with the respective Eligibility Criteria and Category Specific Conditions of the stated Category in the 2024 Timber Waiver.

- F.5.2.2** Per General Provision 2 (G.2), portions of an Activity that qualify for Category 1, 2, or 3 that are temporally phased or geographically divided may commence prior to the receipt of an NOA, provided all respective conditions of the associated eligible category are complied with. Per Finding 2 (Appendix 1), portions of an Activity that may not potentially result in a discharge or threatened discharge of waste to waters of the state may commence prior to the receipt of an NOA.
- F.5.2.3** An RPF has clearly indicated within the approved Plan or as an addendum to the 2024 Timber Waiver application whether the proposed Activities may occur within or affect the following areas:
- F.5.2.3.1** Aquatic or wetland habitat,
 - F.5.2.3.2** Known landslides or Unstable Areas, and
 - F.5.2.3.3** Areas of high or extreme EHR.
- F.5.2.4** An RPF has clearly indicated within the approved Plan or as an addendum to the 2024 Timber Waiver application whether the following conditions are present within the Plan area:
- F.5.2.4.1** Overflow Channels (as defined in Attachment A) resulting from the obstruction of stream flow or stream diversions, or
 - F.5.2.4.2** Culverts showing evidence of inadequate flow capacity.
- F.5.2.5** An RPF has clearly indicated within the approved Plan or as an addendum to the Timber Waiver application whether the following activities will occur:
- F.5.2.5.1** Construction of new, or use of existing, Skid Trails on slopes greater than 50% (or 30% in the Lake Tahoe HU),
 - F.5.2.5.2** Construction of new Temporary or Permanent Watercourse Crossings and/or the Reconstruction of existing Temporary or Permanent Watercourse Crossings,
 - F.5.2.5.3** Use, construction, or Reconstruction of Watercourse Crossings where water will be, or is expected to be, standing, or flowing at the time of use or during the life of the crossing,
 - F.5.2.5.4** Landings or Skid Trails (including existing Landings and Skid Trails and/or those to be constructed or Reconstructed) proposed for use during Activities for which any portion of the Landing or Skid Trail lies within a WBBZ,

- F.5.2.5.5** Ground-Based Equipment operations or chip placement within WBBZs, Truckee River, Little Truckee River, or Lake Tahoe HUs 100-Year Floodplains, or Lake Tahoe HU SEZs, and
- F.5.2.5.6** Prescribed Fire within WBBZs, Lake Tahoe HU SEZs, or Truckee River, Little Truckee River, or Lake Tahoe HUs 100-Year Floodplains.
- F.5.2.6** If any of the Activities or conditions listed in Category 5 Conditions 3 through 5 (F.5.2.3 through F.5.2.5) exist or are proposed, an RPF must provide within the approved Plan or 2024 Timber Waiver application, management practices to avoid adverse effects to the quality of waters of the state. Activities must be conducted in accordance with the Plan and 2024 Timber Waiver application.
- F.5.2.7** Within the Truckee River, Little Truckee River, or Lake Tahoe HUs, Basin Plan waste discharge prohibitions may apply (see Attachment N). If an Activity-specific exemption is required, the Discharger must request an exemption and provide additional information in the Plan or as an addendum to the 2024 Timber Waiver application to address the required Basin Plan findings and criteria. The Executive Officer must grant an exemption before Activities subject to the waste discharge prohibitions may occur.
- F.5.2.8** Facilities that cross Watercourses that support fish must be installed and maintained to allow for unrestricted passage of fish during all life stages.
- F.5.2.9** Permanent Watercourse Crossings and approaches must be installed and maintained to accommodate 100-year flood flows and associated debris.
- F.5.2.10** If specific requirements of the 2024 Timber Waiver differ from the Forest Practice Rules and specific 2024 Timber Waiver requirements are more restrictive, the Discharger must follow the more restrictive 2024 Timber Waiver requirements in all instances.
- F.5.2.11** Amendments to an approved Plan must be documented using Attachment R in accordance with General Monitoring and Reporting Requirements 4, 5 and 6 (E.4, E.5 and E.6).

F.5.3 Category 5 Monitoring and Reporting Requirements

Pursuant to Water Code section 13267, the following Monitoring and Reporting Requirements apply to Category 5.

- F.5.3.1** Dischargers must comply with the Monitoring and Reporting Program described in the Category 5 Application Form (Attachment F), or as directed by the Executive Officer. There are two instances where Dischargers may temporarily suspend Effectiveness and Forensic Monitoring for an entire Activity Area or for operationally discreet units within an Activity Area that are clearly identified in a complete Category 5 Application:
- F.5.3.1.1** Under extended periods when Activities have not commenced, or
- F.5.3.1.2** Where Project operations have commenced and are then subsequently suspended indefinitely by events beyond the control of the Discharger
- F.5.3.2** Under temporary monitoring suspensions described in Category 5 Monitoring and Reporting Requirement 5.3.1, Activity-related Ground-Based Equipment

must not enter the Activity Area during these periods of inactivity, either on or off roads. The Discharger must note these periods of inactivity on the annual monitoring reports and include an explanation for the temporary suspension. The Discharger must resume monitoring upon receiving notice by Water Board staff or upon resuming Ground-Based Equipment operations within the Activity Area, whichever occurs sooner.

F.5.3.3 The Discharger must notify the Water Board in writing at least 15 days prior to the proposed application of Pesticides, except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:

F.5.3.1 Type of Pesticide,

F.5.3.2 Method and area of application, and

F.5.3.3 Projected date of application.

Subsequent changes to the proposal must be submitted in writing at least 15 days before the application of Pesticides unless Water Board staff agrees in writing to a shorter notice period.

F.5.3.4 If tractor, vehicle, or Ground-Based Equipment operations occur in the Winter Period, the Discharger must comply with the Category 5 Daily Winter-Period Monitoring Program (Attachment E). Data accumulated during this monitoring must be retained by the Discharger and submitted July 15 of every year.

F.5.3.5 To terminate coverage under the 2024 Timber Waiver, Dischargers must submit a request for termination of coverage under this Timber Waiver in accordance with Attachment M, Notice of Activities Completion Form. The Project and the Discharger remain subject to all applicable Timber Waiver criteria and conditions (including required monitoring and reporting) until Discharger receives a written notice from Water Board staff terminating coverage under the 2024 Timber Waiver.

F.6 Category 6: Activities that are Not Eligible for Categories 1 through 5 and can Include the Construction of New Roads; Construction or Reconstruction of Permanent Watercourse Crossings; Construction or Reconstruction of Temporary Watercourse Crossings on Class I and II Watercourses; and Placement and Ignition of Burn Piles or Ground-Based Equipment Operations within Waterbody Buffer Zones, 100-Year Floodplains, or Stream Environment Zones.

F.6.1 Category 6 Eligibility Criteria:

Activities conducted under Category 6 must comply with the General Conditions of this 2024 Timber Waiver. Activities that are not eligible for Categories 1 through 5, including Federal and Non-Federal post-fire rehabilitation Projects that do not meet the conditions of Category 3, may be eligible under this category if the Discharger adheres to the following conditions.

F.6.2 Category 6 Conditions:

Dischargers conducting Activities meeting the eligibility criteria listed above must comply with the following conditions to proceed under Category 6:

- F.6.2.1** Submit a complete Category 6 Application Form (Attachment K). Activities may begin once Water Board staff notify Discharger that the application is complete as documented with an NOA, or 30 days following the submittal of an application to the Water Board, with the following exceptions:
 - F.6.2.1.1** According to General Provision 2, portions of an Activity that qualify for Category 1, 2, or 3 that are temporally phased or geographically divided may commence prior to the receipt of an NOA, provided all respective conditions of the eligible category are complied with, or
 - F.6.2.1.2** Per Finding 2, portions of an Activity that may not potentially result in a discharge or threatened discharge of waste to waters of the state may commence prior to the receipt of an NOA, or
 - F.6.2.1.3** Dischargers who submitted an application for coverage under the 2014 or 2019 Timber Waiver that was deemed complete by Water Board staff, are not required to submit an application to obtain coverage under the 2024 Timber Waiver for those same Activities, if the activities comply with the respective eligibility criteria and Category Specific Conditions of the stated Category in the 2024 Timber Waiver.
- F.6.2.2** An RPF, Federal Forestry Professional, or Natural Resource Professional has clearly indicated (within certified environmental documents completed in compliance with CEQA and/or NEPA, or within the 2024 Timber Waiver Application submitted to the Water Board) whether proposed Activities will occur within or affect the following:
 - F.6.2.2.1** Known landslides or Unstable Areas,
 - F.6.2.2.2** Areas of high or extreme EHR,
 - F.6.2.2.3** Overflow Channels, flood prone areas, and riparian areas, or
 - F.6.2.2.4** Aquatic or Wetland habitat.
- F.6.2.3** An RPF, Federal Forestry Professional, or Natural Resource Professional has clearly indicated (within certified CEQA and/or NEPA document(s), or within the Timber Waiver Application) whether the following conditions exist within the Project area:
 - F.6.2.3.1** Overflow Channels resulting from the obstruction of stream flow or stream diversions,
 - F.6.2.3.2** Culverts showing evidence of inadequate flow capacity, or
 - F.6.2.3.3** Migrating channels or erodible Watercourse banks.
- F.6.2.4** An RPF, Federal Forestry Professional, or Natural Resource Professional has clearly indicated (within certified CEQA and/or NEPA document(s), or within the Timber Waiver Application) whether the following Activities are included within the proposed Project:

- F.6.2.4.1** Skid trails on slopes greater than 50% (greater than 30% in Lake Tahoe HU),
 - F.6.2.4.2** Construction of new Temporary or Permanent Watercourse Crossings and/or Reconstruction of existing Temporary or Permanent Watercourse Crossings,
 - F.6.2.4.3** Temporary Watercourse Crossings proposed to remain in place during the Winter Period,
 - F.6.2.4.4** Landings and Skid Trails (including existing Landings and Skid Trails and/or those to be Constructed or Reconstructed) proposed for use during Activities for which any portion of the Landing or Skid Trail lies within a WBBZ,
 - F.6.2.4.5** Ground-Based Equipment operations, excluding the use of existing roads and Watercourse Crossings, within WBBZs or Lake Tahoe HU SEZs or Truckee River, Little Truckee River, or Lake Tahoe HUs 100-Year Floodplains,
 - F.6.2.4.6** Prescribed Fire within WBBZs, Lake Tahoe HU SEZs, or Truckee River, Little Truckee River, or Lake Tahoe HUs 100-Year Floodplains, and
 - F.6.2.4.7** New roads within the Lake Tahoe HU.
- F.6.2.5** If any of the Activities or physical conditions listed in Category 6 Conditions 2 through 4 (F.6.2.2 through F.6.2.4) exist or are proposed, the Discharger must, in the application, explain and justify the proposal and provide management measures to avoid adverse effects to the quality of waters of the state. If details and/or management measures are referenced in supporting documentation (NEPA, 401 WQC, etc.), that document must be attached or provided electronically, and the specific location of the referenced details must be provided. Activities must be conducted in accordance with environmental documents and the 2024 Timber Waiver application (including implementation of design features and mitigation measures).
- F.6.2.6** Within the Truckee River, Little Truckee River, and Lake Tahoe HUs, Basin Plan prohibitions may apply (see Attachment N). If an Activity-specific exemption is required, the Discharger must request an exemption and provide additional information in the application or as an addendum to the 2024 Timber Waiver application to address the required Basin Plan exemption findings and criteria. The Executive Officer must grant an exemption before Activities subject to the waste discharge prohibitions may occur.
- F.6.2.7** Tractor, vehicle, or Ground-Based Equipment operations on existing roads, or off roads outside WBBZs, must be limited to:
- F.6.2.7.1** When soils are not Saturated (as defined in Attachment A), or
 - F.6.2.7.2** When Hard-Frozen Soil Conditions exist, or
 - F.6.2.7.3** When snow depth is sufficient to not allow visible disturbance of soils.

- F.6.2.8** Off existing roads within WBBZs, tractor, vehicle, or Ground-Based Equipment operations can occur under Category 6 Condition 4 (F.6.2.4) when one of the following conditions applies:
- F.6.2.8.1** When soils are Operable, or
 - F.6.2.8.2** When Hard-Frozen Soil Conditions exist, or
 - F.6.2.8.3** When snow depth is sufficient to not allow disturbance of soils.
- F.6.2.9** Within SEZs in the Lake Tahoe HU and 100-Year Floodplains of the Truckee River, Little Truckee River, and Lake Tahoe HUs, only CTL equipment with ground pressures less than or equal to 13 psi operating at a distance greater than 25-feet from waterbodies may be used without need for a Basin Plan prohibition exemption provided the conditions of Table N1 (in Attachment N) are met. Equipment other than CLT operating with a ground pressure of not more than 13 PSI may be used provided the Executive Officer has granted an exemption to the Basin Plan Prohibition (see Attachment N).
- F.6.2.10** If operating within the sensitive areas described in Category 6 Condition 9 (F.6.2.9) CTL equipment must travel only over areas that have been scattered with sufficient limbs and treetops or equivalent to prevent rutting or compaction of underlying soils and minimize damage to native SEZ vegetation. The CTL Forwarder, or other low ground pressure method, must remove this slash bed when backing out of a completed treatment area; sufficient slash or equivalent must be left to provide Adequate Ground Cover (as defined in Attachment A).
- F.6.2.11** Drainage structures and facilities that cross Class I Watercourses that support fish must be installed and maintained to allow for unrestricted passage of fish during all life stages.
- F.6.2.12** Permanent Watercourse Crossings and approaches must be installed and maintained to accommodate 100-year flood flows and associated debris.
- F.6.2.13** Piling and burning of slash within SEZs may be conducted according to the requirements of Attachment Q or according to the findings made in an Activity-specific Basin Plan prohibition exemption. Dischargers proposing SEZ pile burning activities that don't meet the requirements in Attachment Q must apply for a Basin Plan prohibition exemption under this 2024 Timber Waiver category.

F.6.3 Category 6 Monitoring and Reporting Requirements:

Pursuant to Water Code section 13267, the following Monitoring and Reporting Requirements apply to Category 6.

- F.6.3.1** Comply with the Monitoring and Reporting Program described in the Category 6 Application Form (Attachment K) or as directed by the Executive Officer. There are two instances where Dischargers may temporarily suspend Effectiveness and Forensic Monitoring for an entire Activity Area or for operationally discreet units within an Activity Area that are clearly identified in a complete Category 6 Application:

- F.6.3.1.1** Extended periods of inactivity greater than one calendar year, if Effectiveness Monitoring Report (Attachment J) has been submitted to the Water Board and no ground disturbing have occurred since the preceding fall or winter, or
- F.6.3.1.2** Where Project operations have commenced and are then subsequently suspended indefinitely by events beyond the control of the Discharger
- F.6.3.2** Under either of these temporary monitoring suspensions, Activity-related Ground-6 Equipment must not enter the Activity Area during these periods of inactivity, either on or off roads. The Discharger must note these periods of inactivity on the annual monitoring reports and include an explanation for the temporary suspension. The discharger must resume monitoring upon receiving notice by Water Board staff of the end of the temporary monitoring suspension or resuming on site Ground-Based Equipment operations, whichever occurs sooner.
- F.6.3.3** If tractor, vehicle, or Ground-Based Equipment operations occur in the Winter Period, the Discharger must comply with the Category 6 Daily Winter-Period Monitoring Program (Attachment E). Data accumulated during this monitoring must be retained by the Discharger and submitted July 15 of every year.
- F.6.3.4** Notify the Water Board in writing at least 15 days prior to the proposed application of Pesticides, except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:
 - F.6.3.4.1** Type of Pesticide,
 - F.6.3.4.2** Method and area of application,
 - F.6.3.4.3** Projected date of application, and
 - F.6.3.4.4** Subsequent changes to the proposal must be submitted in writing at least 14 days before the application unless Water Board staff agrees in writing to a shorter notice period.
- F.6.3.5** To terminate coverage under the 2024 Timber Waiver, Dischargers must submit a request for termination of coverage under this Timber Waiver in accordance with Attachment M, Notice of Activity Completion Form. The Project and the Discharger remain subject to all applicable Timber Waiver criteria and conditions (including required monitoring and reporting) until a notice is received from Water Board staff terminating coverage under the 2024 Timber Waiver. Prior to approving (or declining) termination, Water Board staff may need to inspect the Project area.

F.6E Category 6E: Expedited Enrollment Option for Emergency Projects Located in a Post Wildfire Environment.

F.6E.1 Category 6E Eligibility Criteria:

- F.6E.1.1** Projects which adhere to Category 6 Eligibility Criteria and Conditions, located in a post-fire Environment.
- F.6E.1.2** Projects with an accepted CAL FIRE Emergency Notice pursuant to 14 CCR, Title 14, Section 1052 are eligible for expedited enrollment under

Category 6E if Project activities meet Category 6 Eligibility Criteria and Conditions.

- F.6E.1.3** Post-fire Projects located on Federal Lands are eligible for expedited enrollment under Category 6E if Project Activities meet Category 6 Eligibility Criteria and Conditions.

F.6E.2 Category 6E Conditions:

- F.6E.2.1** Category 4E Activities may commence after submittal of Expedited Enrollment Notification Form (Attachment S).
- F.6E.2.2** Within 30 days of submittal of Attachment S, Discharger must submit a complete Category 4 Application Form (Attachment C), and SEPES Table (Attachment T).
- F.6E.2.3** The following is prohibited prior to acceptance of a complete application as documented with an NOA:
- F.6E.2.3.1** Construction of Landings in a WBBZ,
 - F.6E.2.3.2** Ground-based Equipment operation within SEZs in the Lake Tahoe HU and 100-Year Floodplains of the Truckee River, Little Truckee River, and Lake Tahoe HUs, and
 - F.6E.2.3.3** Activities that occur or within or affect known landslides or Unstable Areas; areas of high or extreme EHR; Overflow Channels, flood prone areas, and riparian areas; or aquatic or wetland habitat.
- F.6E.2.4** Discharger must ensure that roads and associated Permanent Watercourse Crossings comply with General Condition 16 (D.16); if Water Board staff determine that roads and associated Permanent Watercourse Crossings do not meet General Condition, D.16, Discharger must conduct the following:
- F.6E.2.4.1** Implement management measures to address potential water quality impacts prior to the Winter Period,
 - F.6E.2.4.2** Abandon the subject road(s) and associated Permanent Watercourse Crossing(s) prior to the Winter Period, and
 - F.6E.2.4.3** Designate the subject road(s) and associated Permanent Watercourse Crossing(s) as a high priority SEPES.
- F.6E.2.5** Temporary Watercourse Crossings (as defined in Attachment A) must be removed prior to the Winter Period, unless mitigation measures are included as a part of a complete application, per Category 6E Condition 5.
- F.6E.2.6** SEPES within the Activity Area which are disturbed or potentially affected by Activities must be identified and classified by the Discharger according to Attachment T for treatment in accordance with the timelines below. SEPES must be Stabilized or avoided to an extent that Activities will have no direct or indirect effect on the sites. SEPES stabilization is subject to the following requirements:
- F.6E.2.6.1** High priority SEPES must be permanently Stabilized prior to the first winter,

F.6E.2.6.2 Medium priority SEPES must be permanently Stabilized within 365 days from NOA,

F.6E.2.6.3 Low priority SEPES must be Stabilized prior to termination of coverage, and

F.6E.2.6.4 SEPES identified for avoidance must include site-specific avoidance measures in Attachment T that describes specific measures used to avoid a given site such that there is no direct or potential indirect effect on a given SEPES.

F.6E.2.7 In-Lieu SEPES Treatment (site treatment of a SEPES site either inside or outside of the Activity Area and not impacted by operations in-lieu of treatment of SEPES impacted by operations) may be proposed by Timber Waiver Category 6E Dischargers for Water Board Acceptance if conducted on parcels owned by the Discharger and within the same watershed Activities will occur, when the Discharger provides the following information:

F.6E.2.7.1 A summary of SEPES proposed for no treatment and the In Lieu SEPES proposed for treatment, including quantitative estimates of existing and potential erosion discharge,

F.6E.2.7.2 A summary of the SEPES setting relative to current and anticipated future land use,

F.6E.2.7.3 A summary of each receiving Waterbody and downstream receiving Waterbodies, and

F.6E.2.7.4 A summary of the anticipated water quality benefits of the proposed In Lieu Treatment that considers the quantities of potential discharges and beneficial uses of receiving waters.

Note: Attachment T contains additional information regarding In Lieu SEPES Treatment Proposals.

F.6E.3 Category 6E Monitoring and Reporting Requirements:

Pursuant to Water Code section 13267, the following Monitoring and Reporting Requirements apply to Category 6E.

F.6E.3.1 Category 6E Projects must perform annual Forensic, Effectiveness and Photo Point Monitoring (Attachments I, J and L) of all SEPES documented within the application and prior to termination of coverage.

F.6E.3.2 Dischargers must evaluate all Waterbodies within Category 6E Activity Area during Effectiveness Monitoring. Changes in Watercourse classification, new features including Unstable Areas, wet areas and Wetlands identified during this evaluation must be reflected in updated Project maps and in the field with flagging of Unstable Areas WBBZ or SEZ as applicable.

F.6E.3.3 Category 6E Projects are not eligible for termination of coverage until Discharger has demonstrated successful SEPES mitigation proposed (per Attachment T) using Effectiveness Monitoring (Attachment J) and Photo Point Monitoring form (Attachment L).

G. GENERAL PROVISIONS

- G.1** This Conditional Waiver does not authorize the discharge of any waste from Activities not specifically covered under this Waiver. This conditional Waiver does not authorize the discharge of hazardous materials or human wastes.
- G.2** The Water Board anticipates that most activities will proceed under a single category of the Timber Waiver. However, if a Project is temporally phased, or divided geographically, such that portions qualify under Category 1, 2, or 3; and other portions qualify under Category 4, 5 or 6; the Discharger has the option of enrolling such phases or portions under different categories. Water Board notification is only required for the portions of Projects or activities that qualify under Category 4, 5, or 6.
- G.3** Category 4, 5, and 6 Activities that occur across land ownership boundaries may proceed with a single application for 2024 Timber Waiver enrollment under the following circumstances:
- G.3.1** A single Agent (as defined in Attachment A) is employed to comply with the conditions of this Waiver, and
- G.3.2** All Activities are internally consistent and with no variation of Activities respective to landownership boundaries.
- G.4** The Water Board does not waive the filing of a Report of Waste Discharge or waive WDR for persons proposing Activities with impacts that are not mitigated to less-than-significant levels, such as those identified in a CEQA Environmental Impact Report, or a NEPA Environmental Impact Statement, or TRPA Environmental Impact Statement. Not all Activities proposed in the Lahontan Region will be eligible for this Timber Waiver. Dischargers proposing activities that are not eligible for this Timber Waiver must file a Report of Waste Discharge with the Water Board pursuant to Water Code section 13260.
- G.5** This Timber Waiver shall not create a vested right to discharge waste and all such discharges shall be considered a privilege, as provided for in Water Code section 13263, subdivision (g). The Water Board Executive Officer may terminate the applicability of the 2024 Timber Waiver described herein to any Activities at any time when such termination is in the public interest.
- G.6** This 2024 Timber Waiver does not permit any illegal activity and does not preclude the need for permits or licenses that may be required by other governmental agencies, or other approvals by the Water Board such as discharges subject to a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act, including silvicultural point sources as defined in 40 Code of Federal Regulations, section 122.27. This 2024 Timber Waiver is not a substitute for state Water Quality Certification (WQC) under section 401 of the federal Clean Water Act which is required if a federal Clean Water Act section 404 permit is required.
- G.7** The term of the 2024 Timber Waiver is for five years. This renewed Conditional Waiver expires on <April 16, 2029>, unless it is rescinded, renewed, or superseded before the expiration date.

- G.8** Dischargers may be required to apply for a higher category of coverage if the Activities are determined by Water Board staff to not comply with the respective category-specific Eligibility Criteria and Conditions of the Category that Activities are enrolled under. This evaluation will be based on information provided in an application or observations within the Activity Area by Water Board staff. If Water Board staff determine that a higher Category of coverage is required, the Discharger will be required to cease those specific non-compliant activities until a complete application is received and Water Board staff notify Discharger that the application is complete as documented in an NOA.
- G.9** Pursuant to Water Code section 13267, a monitoring and reporting program is adopted in conjunction with this 2024 Timber Waiver in Categories 4, 5 and 6 application forms and must be adhered to by all Dischargers, using the attached monitoring forms adopted by the Water Board.
- G.10** Pursuant to Water Code section 13269, Timber Waiver Dischargers may request a waiver of monitoring or propose an alternate monitoring and reporting program, subject to approval by the Executive Officer. The Executive Officer may impose additional or revised monitoring and reporting requirements pursuant to Water Code section 13267. The Executive Officer may modify application, monitoring, and reporting forms (Attachments C through T).
- G.11** Dischargers who submitted an application for coverage under the 2014 Timber Waiver or the 2019 Renewal of the 2014 Timber Waiver that was deemed complete by Water Board staff, are not required to submit an application to obtain coverage under the 2024 Timber Waiver for those same Activities only if the Activities comply with the respective Eligibility Criteria and Category Specific Conditions of the stated Category in the 2024 Timber Waiver.

H. CERTIFICATION

I, Michael R. Plaziak, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on <April 17, 2024>.

MICHAEL R. PLAZIAK, PG
EXECUTIVE OFFICER

ATTACHMENT 1

FINDINGS AND INFORMATION TO SUPPORT THE ADOPTION OF

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

“2024 Timber Waiver”

WHEREAS the California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

Scope of Coverage, Structure and Use of the 2024 Timber Waiver

- 1) California Water Code (Water Code) section 13260, subdivision (a) requires that any person (hereby referred to as “Discharger”) discharging waste or proposing to discharge waste as defined by Water Code section 13050 (including but not limited to waste earthen and organic materials) that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate Water Board a report of waste discharge containing information that may be required by the Water Board.
- 2) Only persons proposing Timber Harvest and Vegetation Management Activities (“Activities”)(as defined in Attachment A) in the Lahontan Region that will or may potentially result in a discharge of waste that could affect the quality of waters of the state are subject to coverage under this waiver of waste discharge requirements (and waiver of the requirement to file a report of waste discharge) or file a report of waste discharge pursuant to Water Code section 13260.’
- 3) The Water Board has identified discharges of wastes associated with Activities as having a potential effect on water quality. These Activities have the potential to effect water quality by causing soil, nutrients, ash, petroleum byproducts, temperature, and earthen materials to discharge to a waterbody.
- 4) Categories in the 2024 Timber Waiver are defined by the scope of Activity and physical setting and are organized by increasing threat to water quality from low to high. The Water Board categorized Activities by scope and physical setting to scale requirements, as contained in category-specific conditions, with potential water quality impacts presented by an Activity, such that requirements are specific to the potential adverse effects to the quality of waters of the state inherently presented by range of Activities eligible for coverage under this 2024 Timber Waiver. As the potential of Activities to adversely affect the quality of waters of the state increases, so do category-specific conditions that require submittal of complete applications and monitoring and reporting results. This organizational structure ensures that Activities contain adequate conditions to prevent adverse impacts to the quality of waters of the state.

Activities that present a lower threat to water quality may qualify for coverage under Category 1 or 2, which do not require an application. Activities that present a higher

threat to water quality result from implementation of specific Activities included in Category 4 and Category 6 Eligibility Criteria. The respective applications for Categories 4 and 6 require submittal of Activity information which summarizes the specific water quality protection measures planned with respect to higher threat activities; requirements for specific water quality protection measures within the Category 6 application require more details relative to a Category 4 application due the nature of Activities eligible under Category 6. Monitoring and Reporting requirements specific to Categories 4, 5 and 6 are designed to address threats to water quality by increasing required Monitoring and Reporting with each respective category.

- 5) Certain terms used in this 2024 Timber Waiver have a specific regulatory definition. The definition of these terms as listed in Attachment A may differ from common dictionary definitions or definitions used by agencies conducting Activities. All other terms not defined in this Timber Waiver shall have the same definitions as prescribed by the California Forest Practice Rules (FPRs) (CCR, title 14, section 895.1 et seq.), California Public Resources Code (PRC) section 4528, subdivision (f), and the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.).

Regulatory Considerations and Reasons for Issuing the 2024 Timber Waiver

- 6) The provisions of Water Code section 13260, subdivisions (a) and (c); section 13263, subdivision (a); or section 13264 subdivision (a) may be waived by the Water Board pursuant to Water Code section 13269 for a specific type of discharge if the Water Board determines, after any necessary meeting, that the waiver is consistent with the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) and is in the public interest.
- 7) Water Code section 13269 includes the following provisions:
 - a. The waiver may not exceed five years in duration, but may be renewed by the Water Board at any time,
 - b. The waiver shall be conditional and may be terminated at any time by the Water Board,
 - c. The conditions of the waiver shall include the performance of agency, individual, group, or watershed-based monitoring, unless waived because the Water Board determines that the discharges do not pose a significant threat to water quality,
 - d. Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions,
 - e. In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing

- watershed-based compliance and effectiveness monitoring efforts; the size of the project area; and other relevant factors,
- f. Monitoring results shall be made available to the public, and
 - g. The Water Board may include as a condition of a waiver the payment of an annual fee established by the California State Water Resources Control Board (State Water Board). At the time of adoption of this Timber Waiver, CA Assembly Bill 1492 precludes the charging of fees for permits necessary to conduct Timber Operations, as defined by California Code of Regulations, title 14, section 895.1 et seq.
- 8) When issuing or reissuing regional waste discharge requirements or waivers of waste discharge requirements, Regional Boards shall make a concise, programmatic finding on potential environmental justice, tribal impacts, and racial equity considerations related to the issuance (Water Code § 13149.2, effective Jan. 1, 2023). This waiver of Waste Discharge Requirements regulates Activities that may impact disadvantaged and/or tribal communities. These impacts may result from Activities adjacent to waters of the state, or from Activities that result in waste discharges to waters of the state that may adversely impact recreation, fishing, cultural activities, and other uses of surface and groundwaters. The Water Board has satisfied the outreach requirements set forth in Water Code section 189.7 by conducting outreach in affected disadvantaged and tribal communities during all stages of the development of this 2024 Timber Waiver. The Water Board conducted the following outreach to disadvantaged and tribal communities providing opportunities for ongoing engagement:
- a. On May 10, 2023, and May 15, 2023, the Water Board provided written notification of opportunity to engage on the development of this 2024 Timber Waiver to disadvantaged and tribal communities, respectively.
 - b. On September 25, 2023, the Water Board provided written notification of opportunity to provide comments on an administrative draft of this 2024 Timber Waiver.
 - c. On January 4, 2024, The Water Board provided written notification of opportunity to provide comments on a tentative draft of this 2024 Timber Waiver.
 - d. On <April 17, 2024>, The Water Board provided written notification of opportunity to provide comments at the adoption hearing for the Water Board to consider in the adoption of this 2024 Timber Waiver.

Pursuant to Water Code section 13149.2, the Water Board reviewed readily available information concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of this waiver. The Water Board considered environmental justice concerns within the Water Board's authority and any information raised by interested persons regarding

environmental justice concerns.

The Water Board anticipates that the issuance of this 2024 Timber Waiver will not result in water quality impacts to tribal and/or disadvantaged communities within the scope of the Water Board's authority. The Water Board has identified the following measures available and within the scope of its authority to address and prevent water quality impacts in disadvantaged and/or tribal communities in the Lahontan Region where Activities may occur: this 2024 Timber Waiver contains conditions designed to prevent the discharge of waste that may affect the quality of waters of the state, assess compliance with all conditions through monitoring and reporting, permit entry of Water Board staff onto properties where Activities occur to assess compliance, and contains conditions that require Dischargers to implement corrective actions to address instances of non-compliance with the conditions herein.

- 9) The Water Board adopted the Basin Plan that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the state and waste discharges to waters of the state within the Lahontan Region. Prohibitions, provisions, and conditions contained in this Timber Waiver implement applicable water quality standards. Compliance with the Timber Waiver will protect the waters for beneficial uses as identified in the Basin Plan.
- 10) The Basin Plan contains water quality standards and implementation measures for specific watersheds. Because of the high-quality waters found in the Lahontan Region, additional conditions beyond current state and federal forestry-related regulations are included in this waiver to ensure protection of water quality and compliance with the Basin Plan. In the Lake Tahoe, Little Truckee River, and Truckee River Hydrologic Units (HUs), the Water Board adopted waste discharge prohibitions to limit soil erosion and sediment delivery in and around surface waters and their associated floodplains and Lake Tahoe Stream Environment Zones (SEZs). The Water Board has identified fine sediment (less than 16 micrometers in size) to be the primary cause of clarity loss in Lake Tahoe. Additionally, the US EPA adopted a Total Maximum Daily Load (TMDL) for sediment and nutrient discharges to Lake Tahoe in August 2011. Prior to this, the US EPA adopted a TMDL for sediment discharge to the Truckee River in September 2009, bringing focus to the control of sediment from roads and land disturbances. Therefore, this 2024 Timber Waiver adds additional conditions and requirements within the Lake Tahoe, Little Truckee River, and Truckee River HUs to ensure compliance with the Basin Plan.
- 11) The 2024 Timber Waiver is consistent with the Basin Plan and applicable state plans and is in the public interest, pursuant to Water Code section 13269, as described below.
 - a. Compliance with the conditions of the Timber Waiver will result in protection of water quality.

- b. Without the Timber Waiver, dischargers would be required to submit a report of waste discharge and wait for up to 140 days for the Water Board to prescribe individual waste discharge requirements. Due to limited staff resources, the Water Board would be unable to prescribe requirements in every case, allowing activities to move forward after a lengthy delay without a Water Board permit. The Timber Waiver is a regulatory option imposing enforceable conditions that can be used by the Water Board to address a greater percentage of Activity, while allowing limited resources to be directed to the activities with greatest water quality risk.
 - c. Forest fuel hazard reduction efforts have increased statewide to address the current and growing fire threat from decades of fire suppression. This revised Timber Waiver continues to respond to the need for expedited permitting for lower-impact fuels hazard reduction and forest enhancement activities and emergency post-fire timber harvest, while still maintaining water quality protection through conditions and a monitoring program (under certain circumstances) described in the attachments. This approach balances the need to reduce fire risk quickly while ensuring appropriate management practices and mitigation for water quality impacts are still implemented.
 - d. The Timber Waiver contains conditions requiring compliance with monitoring and reporting programs for some categories of activities based on the level of potential threat to water quality pursuant to Water Code section 13267, subdivision (b)(1). The required monitoring will assist in the protection of water quality and in the verification of the adequacy and effectiveness of Timber Waiver conditions pursuant to Water Code section 13269, subdivision (a)(3).
 - e. The Timber Waiver contains conditions that require compliance with the Basin Plan.
 - f. The Timber Waiver prohibits the creation of pollution, contamination or nuisance as defined in Water Code section 13050.
 - g. Violations of Timber Waiver conditions are subject to enforcement remedies including, but not limited to those described in Water Code section 13350 in the same manner as enforcement of waste discharge requirements.
 - h. Water Board staff will continue to participate in the pre-harvest review of proposed timber activities under the FPRs. This provides a process for the incorporation of water quality protection measures into Timber Harvest Plans beyond those required by the FPRs.
- 12) Activities can adversely impact water quality and impair beneficial uses by discharging sediment, nutrients, ash, temperature, and petroleum byproducts to surface and/or ground water. These nonpoint source discharges from Activities within the Lahontan Region are considered discharges of waste that could affect the

quality of waters of the state. The State Water Resources Control Board, May 20, 2004, Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) requires that all sources of nonpoint source pollution be regulated through Waste Discharge Requirements (WDRs), Waivers of WDRs, or prohibitions, or through a combination of these administrative tools. The NPS Policy requires that a Regional Water Quality Control Board, the State Water Resources Control Board, and individual discharger, or a coalition of dischargers in cooperation with a third-party representative, organization, or government agency prepare and execute a nonpoint source pollution control implementation program that does the following:

- a. States the purpose of the program. Implementation programs must address nonpoint source pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.
- b. Includes a description of the Management Practices (MPs) and other program elements that are expected to be implemented to ensure attainment of the nonpoint source pollution control implementation program's stated purpose(s), the process to be used to select or develop MPs, and the process to be used to ensure and verify proper implementation of MPs.
- c. Where a Water Board determines it is necessary to achieve water quality requirements, the implementation program shall include a time schedule and corresponding quantifiable milestones designed to measure progress toward reaching the specified requirements. CWC Sections 13242 (b) and 13263 (c) and the NPS Policy recognize that there are instances where it will take time to achieve water quality requirements. The effort may involve all or some of various processes, including identification of measurable long-term and interim water quality goals; a timeline for achieving these goals; identification and implementation of pollution control MPs; provision(s) for maintenance of the implementation actions; provision(s) for additional actions if initial actions are inadequate; and, in the case of third-party organizations, identification of a responsible third party to lead the efforts.
- d. The program shall include sufficient feedback mechanisms so that the Water Board, dischargers, and the public can determine whether the program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required.

Consistent with the NPS Policy, this 2024 Timber Waiver adopted by the Water Board represents a nonpoint source pollution implementation program in the form of prescribed management practices and conditions. The Monitoring and Reporting Program provides sufficient feedback mechanism to determine whether water quality is being protected.

- 13) State Water Board Resolution 68-16 (“Statement of Policy with Respect to Maintenance of High-Quality Waters in California”) finds: “Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high-quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.”

Constituents of concern associated with discharges resulting from Activities include sediment, nutrients, pesticides, temperature, ash, and petroleum byproducts. This 2024 Waiver addresses a discharge that was regulated under prior versions of the waiver and an antidegradation analysis was conducted by the Regional Board at those times. This 2024 Timber Waiver involves minimum change in use beyond that previously existing or covered by prior versions of the waiver. Compliance with the terms of this 2024 Timber Waiver should result in an improvement in water quality for the constituents of concern. Any degradation to water quality as a result of the renewal is not anticipated. If degradation of high-quality waters was to occur, this 2024 Timber Waiver is consistent with Resolution 68-16 because it requires implementation of conditions to arrive at the best practicable treatment or control of the discharge, to protect beneficial uses, and to attain the highest water quality possible. The Timber waiver requires the implementation of management practices in addition to those required in the FPRs [CCR, title 14, section 895.1 et seq] and U.S. Forest Service Best Management Practices guidance manuals. The harvesting of timber and management of vegetation can improve forest health, decreases the risk of vulnerability to environmental stressors, minimize impacts of wildfires on communities, provide economic opportunity to rural communities, yield sustainable construction materials, and is consistent with the maximum benefit to the people of the state. This 2024 Timber Waiver requires Dischargers to implement conditions to assure protection of beneficial uses of waters of the state and maintain the highest water quality consistent with maximum benefit to the people of the State. Monitoring and Reporting ensures that best management treatment or control is effective, water quality objectives will not be exceeded, and confirms that water quality will be maintained at a level that is protective of beneficial uses.

- 14) In 1981, pursuant to section 208 of the federal Clean Water Act, the State Water Board certified a plan entitled “Water Quality Management for National Forest System Lands in California” that was developed and submitted by the U.S.

Department of Agriculture, U.S. Forest Service; designated the U.S. Forest Service as the Water Quality Management Agency for specified activities on National Forest System lands in California that may result in nonpoint source discharges, including timber management, vegetative manipulation, fuels management, road construction and watershed management; and executed a Management Agency Agreement (MAA) with the U.S. Forest Service for the purpose of implementing the certified plan and WQMA designation. The U.S. EPA approved the State Water Board certification of the U.S. Forest Service water quality management plan, and the management practices therein as “best management practices” (BMPs). The 1981 MAA between the State Water Board and the U.S. Forest Service contemplates that the Water Boards will waive issuance of waste discharge requirements for U.S. Forest Service timber harvest activities that may result in nonpoint source discharges, provided that the U.S. Forest Service designs and implements its projects to fully comply with state water quality standards. The Water Board’s experience and monitoring have demonstrated that relying solely on the MAA framework to regulate nonpoint source activities on lands managed by the U.S. Forest Service does not result in compliance with water quality standards, and thus does not comport with the State Water Board’s Nonpoint Source Policy (see Finding 9) or State Water Board Resolution 68-16 (Antidegradation Policy).

- 15) Between 1988 and 2003, the Water Board waived waste discharge requirements for timber harvest activities operating under approved CAL FIRE Timber Harvesting Plans or federal timber sales, according to Resolution No. 6-88-18, *Waiver for Waste Discharge Requirements for Specific Types of Discharges*. In 2003, after a legislatively-imposed expiration of Resolution No. 6-88-18, the Water Board adopted the initial Timber Waiver. Subsequent Timber Waivers were adopted in accordance with the requirements of Water Code section 13269, which stipulated waivers be limited to five years in duration. Those waivers were adopted in 2007, 2009, and 2014. Following the 2007 Angora fire in South Lake Tahoe, the Water Board adopted Resolution R6T-2009-0029 (the 2009 Timber Waiver), revising R6T-2007-0008 (the 2007 Timber Waiver). This early revision was done in response to the May 2008 Proclamation by the Governor of California encouraging the Water Board to consider recommendations made by the California-Nevada Tahoe Basin Fire Commission to implement actions to improve planning and streamline regulatory processes for fuel reduction activities. This revised 2024 Timber Waiver provides consistency in approach with the findings and commitments in the Joint Proclamation issued by California Governor Jerry Brown and Nevada Governor Brian Sandoval August 19, 2013, supporting continued strong bi-state, multi-agency cooperation and a strong wildfire protection, preparedness, and response capability within the Tahoe Basin.

The Water Board is considering a revised Timber Waiver at this time to address:

- a. The five-year term limit imposed by Water Code section 13269,

- b. Sections of the R6T-2014-0030 that have been identified by Water Board staff as vague, duplicative, unnecessarily burdensome to staff or operators, or outdated due to recent scientific research, and
- c. Specific requests made by the Water Board and regulated public and agencies concerning the increase in pace and scale of forest management projects, landscape-scale projects, post-fire emergency timber harvesting, and the Monitoring and Reporting Program.

16) Timber Operations on non-federal lands in California are regulated in accordance with the Z'berg-Nejedly Forest Practice Act (FPA) (Public Resources Code § 4511 et seq.) and the California Forest Practice Rules (FPR) (California Code of Regulations, title 14, § 895 et seq.). The BOF is responsible for promulgation of the FPR in accordance with the FPA while CAL FIRE is the state agency responsible for overseeing implementation and enforcement of the FPR for timber harvest activities on non-federal lands. Non-federal landowners proposing to harvest timber for commercial purposes are required to have an approved Plan, prepared by a Registered Professional Forester (RPF), prior to starting timberland management activities. Pursuant to the FPR, the applicable Regional Water Board, California Department of Fish and Wildlife, California Geological Survey, and other responsible and local agencies participate in the review of Plans and provide recommendations to the CAL FIRE Director as part of an interdisciplinary "Review Team." As a member of the Review Team, Water Board staff review proposed Plans and is provided the opportunity to participate in preharvest inspections (inspections conducted prior to Plan approval). CAL FIRE's Plan approval process is the functional equivalent to the California Environmental Quality Act Environmental Impact Report process (Public Resources Code § 21080.5; see also California Code of Regulations, title 14, § 896).

Section 208 of the federal Clean Water Act (33 U.S.C. § 1288) requires states to identify areas with "substantial water quality problems" and to designate a Water Quality Management Agency (WQMA) to develop an area-wide plan for addressing water pollution. In 1988, the State Water Board (a) conditionally certified the "Water Quality Management Plan for Timber Operations on Nonfederal Lands" which included those FPR selected as best management practices and the process by which those rules are administered; (b) designated CAL FIRE and the BOF as joint Water Quality Management Agencies; and (c) executed a Management Agency Agreement (MAA) with CAL FIRE and BOF for the purpose of implementing the certified plan and WQMA designations.

The MAA required U.S. Environmental Protection Agency (U.S. EPA) approval of the State Water Board's certification of the FPR and administering processes for regulation of timberland management activities on non-federal lands in California. That approval had not occurred by the time State Board adopted the 2004 Nonpoint Source Policy. Thus, U.S. EPA approval of the State Board's certification of the FPR would not negate the legal requirement for Regional Boards to address nonpoint

source pollution using one or more of the three regulatory options provided under the Nonpoint Source Policy.

- 17) On May 14, 2009, the Water Board adopted a mitigated negative declaration in conjunction with the adoption of the 2009 Timber Waiver, in accordance with section 15072 of the CEQA Guidelines (CCR, title 14, section 15000 et seq.), determining there will be no significant adverse impacts to the environment from waiving waste discharge requirements for the categories of activities specified within the 2009 Timber Waiver ("2009 Mitigated Negative Declaration," SCH No. 2009012005). The Water Board reviewed that 2009 Mitigated Negative Declaration and determined, in light of recent research and proposed updates to the 2024 Timber Waiver, that none of the conditions set forth in section 15162 of the CEQA Guidelines calling for the preparation of a supplement EIR or negative declaration have occurred. These findings are supported in addendums prepared by the Water Board in 2014 and in 2024. The 2009 Mitigated Negative Declaration, the 2014 addendum, and 2024 addendum reflect the Water Board's independent judgment and analysis, which concludes that with the implementation of mitigation measures, which have been incorporated into the requirements of this Timber Waiver, no significant adverse impacts will occur from the adoption of this Timber Waiver. The Water Board will file a Notice of Determination within five days from the issuance of this order.

Findings to Support Monitoring and Reporting Requirements

- 18) Water Code section 13267(b)(1) states that: *"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports. (2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes may not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies. However, these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report."*

Technical reports are necessary to evaluate Discharger compliance with the terms and conditions of this 2024 Timber Waiver and to ensure that applicable water quality objectives are in fact being met. Consistent with Water Code section 13267,

this Order requires the implementation of a monitoring and reporting program (MRP) that is designed to determine the effects of a Discharger's nonpoint source activity on water quality, to verify the effectiveness of management practices designed to comply with applicable water quality objectives, to verify the adequacy and effectiveness of the Order's conditions, and to evaluate Discharger compliance with the terms and conditions of the Order. Additional information regarding the justification for monitoring and technical reports under this Order is included in Attachment 1: Findings.

- 19) Pursuant to Water Code section 13269, subdivision (a)(3), the Water Board may waive monitoring requirements for discharges that it determines do not pose a significant threat to water quality.
 - a. For projects conducted under the criteria and conditions of Category 1, which are set forth in Section D, the Water Board waives monitoring requirements. Category 1 covers only those activities:
 - i. Conducted near structures, or in or near areas zoned as residential, commercial or industrial. The Water Board finds that these activities do not pose a significant threat to water quality due to their limited scale and typical location and adherence to Category 1 eligibility criteria and conditions,
 - ii. Conducted under a CAL FIRE accepted Exemption pursuant to CCR, title 14, section 1038, without any exceptions to section 1038.1(c) conditions 5, 6, 7, 8, 9, and 12. The Water Board finds that these activities do not pose a significant threat to water quality because of the CAL FIRE requirements that limit the scale of these activities and adherence to Category 1 eligibility criteria and conditions which also limits these activities.
 - b. For projects conducted under the criteria and conditions of Category 2, which are set forth in Section D, the Water Board waives monitoring requirements. Category 2 covers only those activities that are conducted by hand crews and low-ground-pressure chippers, brush mowers, or similar equipment. The Water Board finds Activities that comply with the criteria and conditions for Category 2 set forth in Section D do not pose a significant threat to water quality.
 - c. For projects conducted under the criteria and conditions of Category 3, which are set forth in Section D, the Water Board waives standardized monitoring requirements for all projects seeking coverage under the category while retaining the authority in this waiver to request monitoring based on the extent and location of activities. Category 3 applies only to those activities conducted for post-wildfire rehabilitation, and covers activities to minimize threats to life, property, water quality, and natural and cultural resources. These activities are generally limited in scope or specifically intended to control erosion and

sedimentation. The Water Board finds activities conducted under Category 3 do not pose a significant threat to water quality.

- 20) Water Code section 13267(b)(1) states that “the burden, including costs, of these [required monitoring and] reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.” It must also be noted that implementation monitoring is a requirement of the FPRs, as is forensic monitoring. The FPRs specify that the Regional Water Board’s monitoring and reporting requirements may be used in the evaluation of the road rule requirements. California Code of Regulations, title 14, section 943.7(k)(2) under Maintenance and Monitoring of Logging Roads and Landings specifies: “Inspections conducted pursuant to California Regional Water Quality Control Board requirements may be used to satisfy the inspection requirement of this section.” While the FPRs require visual implementation inspections prior to the winter period, and inspections during the winter period (essentially “forensic” monitoring), no formal reporting is required. So, even should the Water Board determine that no additional monitoring or reporting will be required of projects enrolled in the 2024 Timber Waiver, implementation and forensic inspections are still required by the FPRs, though no reporting occurs. Thus, requiring development of an inspection plan, effectiveness monitoring, Notice of Violation (NOV) reporting and annual reporting are additional costs to non-federal Dischargers not required by the Forest Practice Rules.

The Water Board concludes that the cost of monitoring and reporting required by the 2024 Timber Waiver represent a reasonable cost of conducting permitted operations that pose a threat to water quality. Benefits inherent in the proposed monitoring and reporting are many and include: increased awareness on the part of the landowner/land manager of sensitive water quality resources; potential impacts and effectiveness of management measures; increased potential for identifying threats before they impact water quality and the beneficial uses; increased data available to aid in future risk analyses; lessons learned regarding specific threats and effective mitigations that can be presented to the BOF for consideration in developing rule revisions or used in the furtherance of best management practice development.

Reasons for Specific Requirements Within the 2024 Timber Waiver

- 21) California’s *Wildfire and Forest Resilience Action Plan* recognizes the environmental impacts from high severity fire and documents commitments from state and federal land management agencies to an increase in the pace and scale of forest health projects across the state. These commitments and subsequent legislative mandates to implement California’s *Wildfire and Forest Resilience Action Plan* are the primary preventative measure to address future impacts from high severity wildfires. This Timber Waiver is intended to support the increase of the pace and scale of forest health projects including commercial timber harvest, forest health and community defense.

- 22) The Water Board recognizes the statewide need to address the current and growing threat of catastrophic wildfire and impacts from climate change. Efforts are underway on a statewide basis to study and address climate change and its effects on forest health. Decades of fire suppression have resulted in unhealthy forests with thick stands of trees and vegetation that require thinning, and in some cases, prescribed fire. Many of these activities need to occur in areas adjacent to waterbodies where there is a higher potential to adversely impact water quality than if the same activity was to occur away from a waterbody. The water quality effects from wildfire in these areas can be significant and, to some extent, may be estimated based on fire severity and predicted hydrology. Extensive research has been conducted that supports the efficacy of proactive fuel treatments in limiting the intensity and environmental impacts of wildfires.

The Water Board also recognizes the need to actively manage forests to protect and preserve forest health. Aspen is considered a keystone species in the montane zone of the Sierra Nevada Range, as aspen communities are critical for maintaining biodiversity in western landscapes. Concerns exist related to the observed decline in the health and distribution of aspen stands throughout this area. To prevent the replacement of aspens by conifers in the Sierra Nevada, active management will be required. Thinning conifers in riparian areas has been shown to stimulate aspen suckering, and it is hoped that this prescription will result in improved health and distribution of aspen stands within the Sierra Nevada region.

On May 14, 2009, the Water Board adopted the *Conditional Waiver of Waste Discharge Requirements for Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region* (Resolution No. R6T-2009-0029; 2009 Timber Waiver), which allowed research and demonstration activities to be conducted in sensitive areas in order to find out more information on the impacts and appropriate management practices for the new and innovative vegetation management practices, in addition to other Activities. The Water Board acknowledges the need for innovative technologies that can advance technology available for conducting forest treatments. The Water Board is allowing the following innovative activities under this waiver:

- a. Over snow ground-based equipment operations under all 2024 Timber Waiver categories, as these operations have been demonstrated to minimize ground disturbance and associated quality impacts associated with ground-based equipment operation.
- b. Ground-based equipment operations within Waterbody Buffer Zones (WBBZs) under the soil operability limitations detailed in Attachment A.
- c. Allow expedited enrollment of emergency post-fire timber harvest and vegetation management activities.

- d. Prescribed broadcast burning within WBBZs: Active ignition may be performed in areas outside of WBBZs and within WBBZ except for areas within 25 feet of any waterbody.

23) Soil compaction and deformation depends upon soil moisture content, soil characteristics, organic content within the soil, and compaction forces. Geotechnical Engineers, when striving to achieve compacted soils for construction purposes, have developed the term “optimum moisture content by weight” to describe the moisture level at which soils are most conducive to being compacted. Soil that lacks sufficient moisture, below the soil’s optimum moisture content by weight, is less susceptible to being compacted to that soil’s maximum dry density. Soils with a high organic content are less susceptible to compaction. Repeated heavy traffic produces additive forces that can compact soil. Soil that contains moisture at its optimum moisture content by weight is highly susceptible to compaction. Soils at or above optimum moisture content will commonly exhibit wheel or track ruts that are typically deeper than about two to three inches. Soil with high moisture content is highly susceptible to deformation; this can be observed when heavy equipment operates in those areas and either deep ruts (>3 inches) form, or the soils deflect under the weight and are observed to “pump”. The deflection or “pumping” is resultant from the excess water content in the soil. Optimum soil moisture is specific to each soil type and the moisture content within the soil depends on many factors, including precipitation, snowmelt, runoff, organic content, and groundwater levels. Operable soil conditions are defined in Attachment A, and ground-based equipment operation must be restricted to times when the soil lacks excessive moisture, below the soil’s optimum moisture content to protect water quality.

Reasons for Lake Tahoe Hydrologic Unit Specific Requirements Within the 2024 Timber Waiver

24) During the term of the 2009 Timber Waiver, the Water Board found that the results of the USFS-Lake Tahoe Basin Management Unit Heavenly Valley Creek Stream Environment Zone Demonstration Project (USFS-LTBMU, 2008) provided sufficient evidence that the operation in the SEZ of cut-to-length (CTL) equipment with ground pressures less than 13 pounds per square inch (psi) did not result in the permanent disturbance of soils; therefore, there was a low risk of the soils discharging to a waterbody via runoff, slumping, or wind erosion. These results are sufficient for allowing future activities using this equipment on similar soils to proceed without requiring a Basin Plan prohibition exemption when monitoring to verify operable soil conditions occurs. Additionally, the results will be considered sufficient for use of the same or similar low ground pressure equipment under comparable conditions elsewhere in the Lahontan Region. As a result, the 2014 Timber Waiver modified the 2009 Timber Waiver to allow ground-based mechanical equipment operations within SEZ under a specific set of conditions (See Category 6, Conditions 9 and 10 (F.6.2.10 and F.6.2.11)). Likewise, this Activity is eligible for coverage under the 2024 Timber Waiver.

- 25) Hand-thinning operations within SEZs and other sensitive areas result in a large volume of material (also referred to as slash), which poses a challenge for efficient removal in a manner that causes the least disturbance to the sensitive area. The practice of using hand crews to pile and burn slash can be an effective and efficient method for reducing the fuel load in those sensitive areas. Hand thinning crews are the least disruptive to the sensitive area soils as compared to operating mechanized equipment, which has the potential to disturb sensitive soils and vegetation and result in soil compaction. The 2009 Timber Waiver determined that creating certain-sized slash piles that cover no more than 30% acre in the SEZ, and that burning up to half of those piles (i.e., piles covering up to 15% of the SEZ area) in any given year, creates a less than significant impact to the resources. Building and burning small piles of this slash in situ within SEZs is an effective way to mitigate wildfire risk in these sensitive locations; however, this practice often leaves burn scars in which the unique soil functions may be lost and exposes the bare soil to re-colonization by invasive species and potential erosion problems. The 2009 Timber Waiver did not specify a performance standard for vegetative recovery of the burn scar in the SEZ; rather it specified that slash piles not exceed ten feet diameter by five feet high. Research has since shown that the size of the material in the burn pile has more influence on the intensity of the soil impacts than the size of the pile itself, so the pile size specification in the 2009 Timber Waiver was replaced with a requirement that burn scars show vegetative recovery within two growing seasons.

The 2014 Timber Waiver modified the 2009 Waiver by requiring project implementers to ensure that burn scars show vegetative recovery prior to allowing additional slash pile burning in that specific location of the SEZ. Pile burning appears to have a moderate (impacting water repellency and porosity) to severe (impacting infiltration and the native plant community) effect on the physical properties of soils. Research has also shown that soil bacteria and fungal mycelium, along with their nutrient-cycling processes, may be impacted at relatively low temperatures; additionally, carbon and nitrogen may be increased and liberated. Individually monitoring each pile, post-burn, to determine whether the specific soil functions unique to these environments have been impacted is impractical. Monitoring of vegetative recovery within these burn scars to ensure the soil functionality has not been impacted, and is being restored, is more practical. There currently exists little literature regarding what is an acceptable percentage of vegetation colonization in order for vegetative recovery to be considered successful.

This 2024 Timber Waiver further modifies requirements for Burn Scar recovery in SEZs to allow a combination of vegetative cover and soil surface cover to address potential effects of pile burning on water quality. This modification is based on a review of scientific literature and monitoring reports submitted under the 2014 Timber Waiver in addition to modifications in Basin Plan Waste Discharge Prohibition for SEZs. Scientific literature and an internal review of submitted

monitoring reports show that sediment and ash transport from pile burn scars is locally mitigated by adjacent undisturbed forest organic soil matter, that SEZ vegetation naturally recovers to pre-burn conditions without human interaction, and that soil surface cover has a high probability of natural reestablishment within two years of pile combustion. Modifications to the Basin Plan Waste Discharge Prohibition for SEZs also support this change: previous prohibition language was focused on “new development” whereas modified language is specific to waste discharges.

Vegetative recovery of burn pile scars can be sped up with actions either before or after the pile is burned. Research has shown that by raking off the organic duff (surface) layer from the area the pile is to be built upon, and raking this duff back post-burn restores resilience and increases recovery of soil functionality within a relatively short time frame. Raking duff into a pile along the downhill side of the burn pile may also act as a deterrent to any potential erosion. Raking the duff back into the area burned increases soil surface roughness, encouraging re-colonization and assisting infiltration. Raking native plant seeds into the burn scar soil can speed up the time to vegetative recovery.

- 26) This Timber Waiver allows pile burning within SEZs if the projects meet the requirements of Attachment Q, “Required Management Actions for Pile Burning within Stream Environment Zones Under Timber Waiver Category 6.” Dischargers under the 2009 Timber Waiver who proposed slash piling and burning within SEZs were required to provide Water Board staff with the information necessary to justify a Basin Plan prohibition exemption and wait for a 10-day public review and comment period prior to the Water Board’s Executive Officer granting an exemption to proceed. The granting of project level Basin Plan prohibition exemptions under this process was repeatedly done during the term of the 2009 Timber Waiver without public concern or significant environmental impact being identified. In the interest of streamlining the permitting process for hand-thinning activities within SEZs, and based on the information provided in Finding 25, herein, the 2024 Timber Waiver grants a Basin Plan Prohibition Exemption for slash piling and burning within SEZs of the Lake Tahoe HU as provided in Attachment N.

Summary

- 27) These Findings provide information on the scope, structure and use of the 2024 Timber Waiver as well as the reasons for issuance and specific requirements. These Findings describe how the 2024 Timber Waiver aligns with applicable legislation, California state statutes, plans, commitments and guidance regarding environmental justice, climate change, forest health and water quality protection pertinent to Timber Harvest and Vegetation Management.

The Water Board held a public hearing on <APRIL 17, 2024>, in <BARSTOW>, California, and considered all evidence concerning this matter.

ATTACHMENT A

DEFINITIONS AND LIST OF ACRONYMS

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

- 1) **100-YEAR FLOODPLAIN:** means areas which include land adjacent to waterbodies that extend to the outer perimeter of lands which experience flooding or are inundated with water during 100-year flood events, as determined by delineations completed or approved by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, or an individual qualified to make floodplain delineations, or Water Board staff best professional judgment.

Within the Lake Tahoe Hydrologic Unit 100-year floodplains are sometimes, but not always, included within Stream Environment Zones (SEZs), as defined below. A floodplain only qualifies as SEZ if other secondary indicators of a SEZ are present.

- 2) **ACTIVE OPERATIONS:** means that personnel are present in the Activity area.
- 3) **ACTIVITIES:** (see Timber Harvest and Vegetation Management Activities)
- 4) **ACTIVITY AREA:** means the physical location where timber harvest and vegetation management activities occur. Includes all landings and roads used for Activities and is not limited to the boundary in which timber harvesting or vegetation management will occur.
- 5) **ADEQUATE GROUND COVER:** means that 85% ground cover has been provided to a depth not to exceed an average of two inches with a maximum of four inches, to prevent erosion in disturbed areas. "Ground cover" means slash, wood chip, or masticated material, and includes sufficient existing surface rock, needle cast, and brush or other vegetative matter in contact with the soils. Where slash is used as a ground cover, contact with the soil is more important than "depth," and "depth" shall be considered only where slash has been tracked over to provide full contact with the soils. Existing ground cover shall be considered sufficiently effective where monitoring supports that the rock or vegetation retain soils, reduce raindrop splash, prevent erosion, and promote infiltration.
- 6) **AGENT:** means a person or entity acting on behalf, or legally representing, a landowner through signed written agreement.
- 7) **AMENDMENT:** means a modification to Activities, that are not considered a material change according to General Monitoring and Reporting Condition 6 (E.6), that results in the need to modify information provided in a complete application. Amendments must be furnished to Water Board staff within 15 days of written notice and must be documented using Attachment R and submitted with annual monitoring report submittal.

- 8) **BROADCAST BURNING:** means the use of fire to achieve ecological or fuel reduction benefits. It does not include burning of organic matter which is piled during mechanical site preparation or the ignition of 'burn piles' as defined below. Active ignition may be performed in areas outside of WBBZs and within WBBZ except for areas within 25 feet of any watercourse.
- 9) **BURN PILE:** means hand and machine constructed piles of organic materials (e.g., slash, branches, limbs, stumps, biomass) intended for burning.
- 10) **BURN SCAR:** means the area under a burn pile which exhibits signs of complete loss of surface organic material down to bare mineral soil, following prescribed burning.
- 11) **CHANNEL MIGRATION ZONE:** means the area where the main channel of a watercourse can reasonably be expected to shift position on its floodplain laterally through avulsion or lateral erosion during the period of time required to grow forest trees from the surrounding area to a mature size, except as modified by a permanent levee or dike. The result may be the loss of beneficial functions of the riparian zone or riparian habitat.
- 12) **CRITICAL DIP OR OTHER OVERFLOW STRUCTURE:** means a low point, or structure, in the road near or at a watercourse crossing designed to prevent the diversion of high flows in the event that the crossing or culvert becomes plugged or flow capacity is exceeded. To be properly installed, critical dips should be on the downhill side of a crossing and should be designed and installed to return flows, in the event of diversions, to the same watercourse in which they originate.
- 13) **CUT-TO-LENGTH (CTL):** Cut-to-length logging means a mechanized harvesting system in which trees are delimbed and cut to length directly at the stump. CTL is typically a two-person, two-machine operation with a harvester felling, delimbing, and bucking trees and a forwarder transporting the logs from the felling to a landing area close to a road accessible by trucks. Both pieces of equipment are designed to operate on the slash and limbs generated during harvesting operations, with limited ground contact or disturbance.
- 14) **DIAMETER AT BREAST HEIGHT (DBH):** means the diameter of the tree measured outside bark, at breast height, a point 4.5 feet (1.37 m) above the average ground level.
- 15) **DISCHARGER(S):** means the landowner(s), duly authorized representative of the landowner, and anyone working on behalf of the landowner in the conduct of timber harvest and vegetation management; includes any city, county, district, the state, and the United States, to the extent authorized by federal law (Water Code section 13050, subdivision c).
- 16) **EFFECTIVENESS MONITORING:** means is a visual evaluation of management measures (e.g., erosion control structures) and infrastructure (e.g., roads and watercourse crossings) within the Activity Area following the Winter Period, typically

between March 15 and June 15, to determine the effectiveness of implemented management measures in preventing sediment discharge to surface waters and protecting water quality, and to identify any locations of sediment delivery that may have developed during the Winter Period.

- 17) **EMERGENCY:** means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. Emergency include such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.
- 18) **EROSION HAZARD RATING (EHR):** means on non-federal land the rating derived from the procedure specified in 14 CCR § 912.5 [932.5, 952.5] designed to evaluate the susceptibility of the soil within a given location to erosion. Ratings derived from this procedure include low, moderate, high, and extreme. Means on federal land the rating derived from the procedure specified in USDA Forest Service Handbook FSH 25-99.22. Ratings derived from this procedure include low, moderate, high, and very high. For projects occurring on federal land, the rating of “very high” should be interpreted as “extreme” in all instances within the 2024 Timber Waiver
- 19) **FEDERAL FORESTRY PROFESSIONAL:** means a person employed by the federal government meeting the requirements of the Federal Forestry Series (GS-460) of the U.S. Office of Personnel Management.
- 20) **FORENSIC MONITORING:** means visual monitoring of waterbodies and Waterbody Buffer Zones to identify evidence of sediment discharge and/or locate sources of sediment delivery (or potential delivery) to a waterbody so that corrective actions may be taken to prevent or reduce sediment discharges to waterbodies.
- 21) **FORWARDER TRAIL:** A route used repeatedly by ground-based equipment that fully suspends cut material in transport of forest products from the point of felling to a landing. Forwarder trails are subject to all skid trail requirements.
- 22) **FUEL BREAK:** A strip of hand or machine modified vegetation and/or land surface designed to provide a line from which to work in the control of a prescribed fire or wildfire. Also known as fire line and control line.
- 23) **GROUND-BASED EQUIPMENT** includes tractor, vehicle, forwarder, low-impact equipment, and heavy equipment operations. Does not include hand crews, helicopters, or cable yarding.
- 24) **HAND CREW OPERATIONS:** means the manual cutting of vegetation with a chainsaw or hand saw and manual piling of cut material onsite or removal of material with the use of ground-based equipment that is limited to existing roads. Includes prescribed burning and the construction of fuel breaks.
- 25) **HARD-FROZEN SOIL CONDITIONS:** means frozen soil conditions where vehicles, tractors, and equipment operated in WBBZs travel without sinking into soil, road, or landing surfaces to a depth of more than two inches for a distance of more than 25

feet and means frozen soil conditions where vehicles, tractors, and equipment operated outside of WBBZs can travel without displacing road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters (as defined in the California Forest Practice Rules), or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements.

- 26) HAZARD TREE: means a tree with structural defects or compromised integrity that presents imminent threat of injury or death to people and/or damage to property.
- 27) IMPLEMENTATION MONITORING: means visual monitoring of project areas (including roads, stream crossings, landings, burn scars) to ensure all management practices designed to prevent sediment delivery and protect water quality (e.g., erosion control measures, riparian buffers, waterbreaks, critical dips) are in place and secure prior to the winter period, and at the conclusion of winter operations if winter operations occur.
- 28) IN LIEU SEPES TREATMENT: means treatment of a SEPES not impacted by Activities in lieu of a SEPES impacted by Activities. Proposed In Lieu SEPES Treatment may be inside or outside of the Activity Area and must not potentially be impacted by Activities.
- 29) LANDING means an area where forest products are concentrated prior to additional processing or removal from site.
- 30) LOW IMPACT EQUIPMENT: means ground-based equipment that operates on the soil surface with a ground pressure of less than 13 PSI when fully loaded; can include forwarders, masticators (including ground-based equipment fitted with mastication heads), chippers, mowers, utility vehicles, and snowmobiles.
- 31) MECHANICAL SITE PREPARATION: means any activity involving mechanical disturbance of soils which is performed before, during, or after completion of Timber Harvest and Vegetation Management Activities, associated with preparation of any portion of the project area for artificial or natural regeneration.
- 32) NATURAL RESOURCE PROFESSIONAL: means a person with a bachelor's degree or higher in a biological, ecological, or other relevant science (e.g., soils, hydrology, botany, fisheries) and at least six months of relevant experience. This person is not a substitute for a Registered Professional Forester when one is required by state or federal code or regulation.
- 33) NOTICE OF APPLICABILITY (NOA): means a signed letter sent from Water Board Staff to a Discharger indicating that an application is complete, has been accepted by the Water Board, and contains the following:
 - a. A waste discharge identification number (WDID),
 - b. Effective date,
 - c. General Timber Waiver conditions,

- d. Category specific Timber Waiver conditions, and
 - e. Monitoring and reporting requirements based on 2024 Timber Waiver category and proposed scope of work.
- 34) OPERABLE (As applied in Categories 2, 4, and 6; and in Attachment N) means ground-based equipment use off roads, under moist or wet conditions that does not create ruts exceeding two inches in depth and 25 feet in length. No ruts exceeding three inches in depth are allowed. Where project skid trails remain wet in isolated depressions that are less than 50 feet in length (i.e., no more than two such instances within 1000 feet), woody debris, weed-free straw, or landing mats may be brought in to fill and/or span these depressions for operability. The Discharger must document this activity and provide Water Board staff with a description and explanation of what was done within seven calendar days of implementing this solution. Where appropriate, Water Board staff may require material to be removed prior to project completion.
- 35) OVERFLOW CHANNEL: means an area of land adjacent to a watercourse that does not convey water during low flow conditions but conveys water during large flow events. Evidenced by the presence of sediment and debris deposits and the lack of characteristics defining such a feature as a watercourse.
- 36) PERMANENT WATERCOURSE CROSSING: means a watercourse crossing constructed incidental to Timber Harvest and Vegetational Management Activities that will remain in place at the conclusion of activities. All new permanent watercourse crossing must be sized to accommodate the 100-year flood and associated debris.
- 37) PESTICIDES: means herbicides, insecticides, fungicides, and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi, or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code section 12753, and Basin Plan Chapter 3).
- 38) PRESCRIBED BURNING/FIRE: means the implementation of a written prescription to burn a designated area under specified environmental conditions. May include broadcast burning or pile burning.
- 39) PROJECT: means any “timber harvest and/or vegetation management activity (Activity)” (as defined above).
- 40) ROAD MAINTENANCE: means performing road modifications which do not require substantial modification of the road prism and improves durability and drainage of the road surface and road prism. Examples of maintenance activities include blading road surfaces, watering roads, compacting road surfaces, applying rock to road surfaces and drainage features, adding waterbreaks or rolling dips, outsloping road surfaces, and clearing out dry culverts.

- 41) ROAD PRISM: means all components that comprise a road including the driving surface, roadbed, shoulder, ditch, cutslope, fillslope, and all other drainage facilities.
- 42) RECONSTRUCTION (of roads): means performing activities that require substantial modification to the road prism.
- 43) RECONSTRUCTION (of Watercourse Crossings): means the modification of a Permanent Watercourse Crossing in existence prior to the initiation of Timber Harvest and Vegetation Management Activities for the purpose of safe and efficient vehicle travel and/or water quality protection.
- 44) SATURATED SOIL CONDITIONS: (As applied in Categories 1,2, 4, and 6) means that site conditions are sufficiently wet that timber operations displace soils in yarding or mechanical site preparation areas or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters (as defined in the California Forest Practice Rules), or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements.

In yarding and site preparation areas, this condition may be evidenced by: (a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, (b) inadequate traction without blading wet soil, (c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or (d) creation of ruts greater than would be normal following a light rainfall.

On logging roads and landing surfaces, this condition may be evidenced by (a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, (b) inadequate traction without blading wet soil, (c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, (d) pumping of road surface materials by traffic, or (e) creation of ruts greater than would be created by traffic following normal road watering, which transports surface material to a drainage facility that discharges directly into a watercourse.

Soils or road and landing surfaces that are hard frozen are excluded from this definition. (California Code of Regulations, title 14, section 895.1.).

- 45) SIGNIFICANT EXISTING OR POTENTIAL EROSION SITE (SEPES): means a location where soil erosion is currently, or there are visible physical conditions to indicate soil erosion may be in the future, discharged to watercourses or lakes in quantities that violate a water quality objective (narrative or numeric), prohibition, Total Maximum Daily Load implementation plan, policy, or other requirement

contained in a water quality control plan adopted by the Water Board and approved by the State Water Board, or a location where soil erosion may result in significant individual or cumulative adverse impacts to the beneficial uses of water. For more information, see Attachment T.

- 46) **SIGNIFICANT RAIN EVENT:** means a rain event which causes runoff or overland sheet flow.
- 47) **SKID TRAIL:** means constructed trails or established paths used by tractors or other vehicles during timber harvest or vegetation management activities. Also known as tractor roads. (California Code of Regulations, title 14, section 895.1.)
- 48) **SKID TRAIL WATERCOURSE CROSSING:** means a watercourse crossing or other traveled pathway used by tractors or other similar vehicles for yarding during timber harvest or vegetation management activities.
- 49) **SPRING:** means a waterbody where groundwater emerges at the soil surface in quantities to form standing or flowing water.
- 50) **STABILIZED:** means exposed soils and unstable areas have been treated in such a manner that there is low risk of such soils, waste or stabilization materials discharging to a waterbody via runoff, slumping, or wind erosion. Appropriate treatment can vary and can include, but is not limited to:
 - a) Cover and/or pack with weed free mulch (straw, chip, slash, etc.), rocks, tarp, etc.
 - b) relocation of excess material to an area that is stable, well drained, isolated from wet areas or watercourses, and where wind exposure is limited,
 - c) sloping back excess material to a stable angle
 - d) hydroseeding, seeding and/or planting,
 - e) temporary construction erosion control measures (e.g., fiber rolls, silt fences, erosion control blankets, tarps),
 - f) installation of waterbreaks of sufficient size and spacing interval (not exceeding standard contained in 14 CCR, title 14, section 943.5, 963.5(f)) located to avoid collecting and discharging concentrated runoff onto fills, erodible soils, unstable areas, and connected headwall swales,
 - g) installation of rolling dips or waterbar outlet energy dissipation materials.

Note: Minimization of soil disturbance and soil stabilization (as described above) are the best and most cost-effective methods of preventing sediment delivery. Trying to capture sediment once it is dislodged is much more difficult, costly, and is less likely to succeed.

- 51) **STREAM ENVIRONMENT ZONE (SEZ):** (A term only used within the Lake Tahoe Hydrologic Unit) means biological communities that owe their characteristics to the presence of surface waters or a seasonal high groundwater table. The criteria used

for field identification and delineation of SEZs are unique to the Lake Tahoe Hydrologic Unit and are described below.

The following criteria have been adopted by the Tahoe Regional Planning Agency (TRPA). A Stream Environment Zone is determined to be present if any one of the following key indicators is present, or in the absence of a key indicator, if any three of the following secondary indicators are present. Soil types are discussed in Volume I of the TRPA's Water Quality Management Plan for the Lake Tahoe Region. Plant communities are identified in accordance with the definitions and procedures contained in the report entitled Vegetation of the Lake Tahoe Region, A Guide for Planning (TRPA 1971).

Key Indicators:

- a) Primary riparian vegetation; or
- b) Near surface groundwater; or
- c) Lakes or ponds; or
- d) Beach (Be) soils; or
- e) One of the following alluvial soils:
 - i. Elmira loamy coarse sand, wet variant (Ev)
 - ii. Marsh (Mh).

Secondary Indicators:

- f) Designated floodplain
- g) Groundwater between 20-40 inches
- h) Secondary riparian vegetation
- i) One of the following alluvial soils:
 - i. (Loamy alluvial land (Lo), or
 - ii. Celio gravelly loamy coarse sand (Co), or
 - iii. Gravelly alluvial land (Gr).

TRPA's official land capability maps shall be used to identify SEZs initially but are subject to field verification in every instance.

The boundary of a SEZ is the outermost limit of the key indicators; the outermost limit where three secondary indicators coincide; or if Lo, Co or Gr soils are present, the outermost limit where two secondary indicators coincide, whichever establishes the widest SEZ at any point. The outermost boundaries of a stream are the bank-full width of such stream which is defined as the level of frequent high flow, i.e., the level of flood with a recurrence interval of approximately 1.5 years. Other definitions of

terms used in the criteria above are given in pages 10 – 12 of the TRPA Water Quality Management Plan for the Lake Tahoe Region.

Note that SEZs can include bodies of open water as well as wet meadows without defined stream channels. SEZs are generally identical with Bailey land capability Class 1b lands (See TRPA Water Quality Management Plan for the Lake Tahoe Region).

This definition is subject to change if the TRPA amends the definition or criteria for SEZs and such changes or amendments are approved by the California State Water Resources Control Board. (Basin Plan Section 5.7)

- 52) **STRUCTURE:** means an approved and legally permitted existing structure (such as residential or commercial building) that complies with the California Building Code (or which pre-dates the building code). Does not include existing roads, power lines, or trails. Does not apply to Watercourse Crossing structures or drainage structures.
- 53) **TARGET SPECIES:** means vegetation and/or tree species that are deliberately selected for removal, reduction, or management to accomplish the project's intended purpose, as specified in the project application, Plan or another submittal.
- 54) **TEMPORARY ROAD:** means a road other than a public road used by equipment and trucks going to and from landings to transport logs and other forest products; identified for abandonment prior to Project completion.
- 55) **TEMPORARY WATERCOURSE CROSSING:** means a watercourse crossing that is to be used only during timber harvest and vegetation management activities that will be deactivated or abandoned upon completion of use.
- 56) **TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES (Activities):** means activities conducted for the purposes of commercial harvest of forest products and management of trees and vegetation, including, 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; pesticide application; prescribed burning; hazard tree abatement; site preparation that involves disturbance of soil or burning of vegetation following timberland management activities. Activities do not include aquatic vegetation management, prescribed herbivory, preparatory tree marking, surveying, or road flagging.
- 57) **TRIGGER:** means a qualitative observation or a quantifiable target or value that represents a measurement below or before a significant negative impact occurs, so that if the trigger value is reached (e.g. measured soil disturbance), operations causing the discharge are stopped and alternative actions taken.
- 58) **UNDEVELOPED LOT:** means parcels without buildings or structures, up to three acres in size, that are interspersed in areas of existing urban land uses (e.g., residential, commercial or industrial uses). Undeveloped lots include parcels owned by public agencies within a recognized urban or community boundary.

- 59) **UNSTABLE AREAS:** are characterized by slide areas or unstable soils or by some or all of the following: hummocky topography consisting of rolling bumpy ground, frequent benches, and depressions; short irregular surface drainages begin and end on the slope; tension cracks and head wall scarps indicating slumping are visible; slopes are irregular and may be slightly concave in upper half and convex in lower half as a result of previous slope failure; there may be evidence of impaired ground water movement resulting in local zones of saturation within the soil mass which is indicated at the surface by sag ponds with standing water, springs, or patches of wet ground. Some or all the following may be present: hydrophytic (wet site) vegetation prevalent; leaning, jackstrawed or split trees are common; pistol-butted trees with excessive sweep may occur in areas of hummocky topography (note: leaning and pistol butted trees should be used as indicators of slope failure only in the presence of other indicators). (California Code of Regulations, title 14, section 895.1.)
- 60) **VEGETATIVE AND SOIL SURFACE RECOVERY:** means the combined revegetation of an area under a burn pile in Stream Environment Zones with native vegetation and reestablishment of natural soil surface cover of the burn pile soil surface prior to Timber Harvest and Vegetation Management Activities. This shall be demonstrated by the presence of vegetation and soil surface cover throughout the entire burn scar and does not include invasive species. Representative vegetation and soil surface cover must be evaluated prior to burn pile creation with the submittal of implementation monitoring reports; this evaluation will serve as the basis for establishing Vegetative and Soil Surface Recovery.
- 61) **WATERBODY:** means “waters of the state” as defined in Water Code section 13050 and includes any surface water or ground water. Includes, but is not limited to, any natural or manmade waterbody, including lakes, ponds, springs, wetlands, and watercourses. Class I, Class II, Class III, Class IV, and Unclassified Waterbodies are defined in Attachment B.
- 62) **WATERBODY BUFFER ZONE (WBBZ):** means a strip of land, along all sides of a waterbody, where additional avoidance measures and management practices are required for protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources, and for controlling erosion. Please refer to Attachment B for further explanation. See Attachment B for additional information.
- 63) **WATERBREAK:** means a ditch, dike, or dip, or a combination thereof, constructed diagonally across logging roads, skid trails, and fuel breaks so that runoff flow is interrupted and effectively diverted to discharge to non-erodible or vegetated areas that will not result in delivery of sediment to a waterbody. Also known as waterbars.
- 64) **WATERCOURSE:** means any well-defined channel with distinguishable bed and bank showing evidence of having contained flowing water indicated by deposit of rock, sand, gravel, or soil. Watercourse also includes manmade watercourses (California Code of Regulations, title 14, section 895.1).

- 65) WATERCOURSE AND LAKE PROTECTION ZONES (WLPZ): means a strip of land, along both sides of a watercourse or around the circumference of a lake or spring, where additional practices may be required for the protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources and for controlling erosion. (As defined in the California Forest Practice Rules).
- 66) WETLAND: means, if under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.
- 67) WINTER PERIOD: means the period which begins November 15 and ends April 1. Within the Lake Tahoe, Little Truckee River and Truckee River Hydrologic Units, the winter period is between October 15 and May 1.

All other terms shall have the same definitions as prescribed by the California Forest Practice Rules (California Code of Regulations, title 14, section 895.1 et seq.), Public Resources Code section 4528, subdivision (f), and the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.), unless specified otherwise. Definitions contained in Water Code Section 13050(d) controls for the purpose of the 2024 Timber Waiver.

LIST OF ACRONYMS AND INITIALISMS

ATV	All-Terrain Vehicle
BAER	U.S. Forest Service Burned Area Emergency Response
BMPEP.....	Best Management Practices Evaluation Program (U.S. Forest Service)
CAL FIRE	California Department of Forestry and Fire Protection
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CTL	Cut-to-Length harvesting equipment
CWPP	Community Wildfire Protection Plan
DBH	Tree Diameter at Breast Height
EHR.....	Erosion Hazard Rating
ELZ.....	Equipment Limitation Zone
FPRs	California Forest Practice Rules
HU	Hydrologic Unit
NEPA	National Environmental Policy Act
NOA	Notice of Applicability
NPDES	National Pollutant Discharge Elimination System
NTMP	Nonindustrial Timber Management Plan
PRC	California Public Resources Code
RPF	Registered Professional Forester
SEPES.....	Significant Existing and Potential Erosion Site
SEZ	Stream Environment Zone (Lake Tahoe Hydrologic Unit Only)
SMZ	Streamside Management Zone
THP.....	Timber Harvest Plan
TMDL	Total Maximum Daily Load
TRPA	Tahoe Regional Planning Agency
WBBZ	Waterbody Buffer Zone

ATTACHMENT B

WATERBODY BUFFER ZONES

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

The 2024 Timber Waiver contains conditions with specific equipment operation limitations and protections near waterbodies. Areas subject to these limitations and protections are called Waterbody Buffer Zones (WBBZ). Conditions for the protection of water quality in WBBZ are contained in General- and Category-specific conditions. WBBZ are not areas of Ground Based Equipment exclusion.

One way to classify waterbodies is to categorize them as watercourses which tend to have permeable beds and connect surface waters to groundwater. A perennial stream is expected to flow throughout the year, albeit with only small dry-weather flows in some cases. An intermittent stream ceases to flow in dry periods. The flow may occur when the groundwater table is seasonally high, but there will not be flow when the groundwater table is significantly below the stream channel bed level. An ephemeral stream flows only after rain or snow-melt and has no base flow component. Because it may be difficult at times to determine when a watercourse is responding to specific groundwater conditions, this 2024 Timber Waiver classifies waterbodies by biological habitat and ability to transport sediment, as defined in the California Code of Regulations, title 14 (Forest Practice Rules) Watercourse and Lake Protection Zones (WLPZs). See Table B1, below.

WBBZ are similar to the U.S. Forest Service concept of a "Streamside Management Zone" (SMZ), which is a zone adjacent to waterbodies designated for special management controls aimed at protection and improvement of water quality. Unlike WLPZs, universal widths for SMZs are not specified, but developed on a project-specific basis considering factors such as stream class, channel aspect and stability, sideslope steepness, and slope stability. For clarity and conciseness, this 2024 Timber Waiver uses the generic term Waterbody Buffer Zone (instead of WLPZ or SMZ) to identify specific setback distances and to recognize that not all Timber Harvest and Vegetation Management Activities regulated by this 2024 Timber Waiver are subject to the Forest Practice Rules (FPRs), or are conducted by the U.S. Forest Service on U.S. Forest Service Lands.

Water Board staff will accept documents and timber waiver applications that use terminology other than "Waterbody Buffer Zones" as long as such zones or areas will not be smaller than the Waterbody Buffer Zones defined in Table B1, Waterbody Buffer Zone Widths. Such terminology may include Streamside Management Zone (SMZ), Riparian Conservation Area (RCA), and Watercourse and Lake Protection Zone (WLPZ).

Buffer Zone Designations for Class I and II Waters

Buffer Zone widths for Class I and II waters are equivalent to those in the FPRs, California Code of Regulations (CCRs), title 14, section 936.5, 956.5, Table 1, "Procedures for Determining Watercourse and Lake Protection Zone Widths and Protective Measures [All Districts]."

Buffer Zone Designations for Class III and IV Waters

This waiver specifies the Water Body Buffer Zones for Class III and IV Waters in Table B1, below.

Measuring Buffer Zone Widths

Waterbody Buffer Zones must be measured along the surface of the ground from the watercourse or lake transition line (as defined in CCR, title 14, section 895.1) or in the absence of riparian vegetation from the top edge of the watercourse bank (FPRs, CCR, title 14, section 936.4, 956.4, subdivision (b)(3)). Side slope is measured from the watercourse or lake transition line to a point 100 feet upslope from the watercourse or lake transition line, or, in the absence of riparian vegetation, from the top of the watercourse bank where slope configurations are variable, a weighted average method shall be used to determine the side slope percent (CCR, title 14, section 936.5, 956.5, subdivision (a)(3)).

Table B1. Waterbody Buffer Zone Widths

<u>TYPE OF WATERBODY:</u>	<u>DEFINITION:</u>								
Class I	Domestic supplies, including springs, on site and/or within 100 feet downstream of the operations area, and/or Fish always or seasonally present onsite, includes habitat to sustain fish migration and spawning.								
<table border="1" data-bbox="526 1188 1245 1409"> <thead> <tr> <th data-bbox="526 1188 933 1266">Slope of land adjacent to watercourse or lake:</th> <th data-bbox="933 1188 1245 1266">Buffer Zone width:</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 1266 933 1314">< 30%</td> <td data-bbox="933 1266 1245 1314">75 feet</td> </tr> <tr> <td data-bbox="526 1314 933 1362">30 – 50 %</td> <td data-bbox="933 1314 1245 1362">100 feet</td> </tr> <tr> <td data-bbox="526 1362 933 1409">> 50 %</td> <td data-bbox="933 1362 1245 1409">150 feet¹</td> </tr> </tbody> </table> <p data-bbox="188 1413 792 1444">¹ Subtract 50 feet width for cable yarding operations</p> <p data-bbox="168 1482 1406 1539">Reference: California Forest Practice Rules, California Code of Regulations, title 14, section 936.5, 956.5, Table 1</p>		Slope of land adjacent to watercourse or lake:	Buffer Zone width:	< 30%	75 feet	30 – 50 %	100 feet	> 50 %	150 feet ¹
Slope of land adjacent to watercourse or lake:	Buffer Zone width:								
< 30%	75 feet								
30 – 50 %	100 feet								
> 50 %	150 feet ¹								

<u>TYPE OF WATERBODY:</u>	<u>DEFINITION:</u>								
Class II	Fish always or seasonally present offsite within 1000 feet downstream, and/or Aquatic habitat for nonfish aquatic species. Excludes Class III waters that are tributary to Class I waters.								
<table border="1" data-bbox="526 600 1245 913"> <thead> <tr> <th data-bbox="526 600 933 703">Slope of land adjacent to watercourse or lake:</th> <th data-bbox="933 600 1245 703">Buffer Zone width:</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 703 933 768" style="text-align: center;">< 30%</td> <td data-bbox="933 703 1245 768" style="text-align: center;">50 feet</td> </tr> <tr> <td data-bbox="526 768 933 842" style="text-align: center;">30 – 50 %</td> <td data-bbox="933 768 1245 842" style="text-align: center;">75 feet</td> </tr> <tr> <td data-bbox="526 842 933 913" style="text-align: center;">> 50 %</td> <td data-bbox="933 842 1245 913" style="text-align: center;">100 feet²</td> </tr> </tbody> </table> <p data-bbox="168 915 784 947">² Subtract 25 feet width for cable yarding operations</p> <p data-bbox="168 978 1409 1039">Reference: California Forest Practice Rules, California Code of Regulations, title 14, section 936.5, 956.5, Table 1</p>		Slope of land adjacent to watercourse or lake:	Buffer Zone width:	< 30%	50 feet	30 – 50 %	75 feet	> 50 %	100 feet ²
Slope of land adjacent to watercourse or lake:	Buffer Zone width:								
< 30%	50 feet								
30 – 50 %	75 feet								
> 50 %	100 feet ²								
Class III	No aquatic life present, waterbody showing evidence of being capable of sediment transport to Class I and II waters under normal high water flow conditions after completion of timber operations.								
<table border="1" data-bbox="526 1188 1245 1425"> <thead> <tr> <th data-bbox="526 1188 933 1291">Slope of land adjacent to watercourse or lake:</th> <th data-bbox="933 1188 1245 1291">Buffer Zone width:</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 1291 933 1356" style="text-align: center;">< 30 %</td> <td data-bbox="933 1291 1245 1356" style="text-align: center;">25 feet</td> </tr> <tr> <td data-bbox="526 1356 933 1425" style="text-align: center;">≥ 30 %</td> <td data-bbox="933 1356 1245 1425" style="text-align: center;">50 feet</td> </tr> </tbody> </table> <p data-bbox="168 1428 1409 1488">Reference: California Forest Practice Rules, California Code of Regulations, title 14, section 936.5, 956.5 Table 1</p>		Slope of land adjacent to watercourse or lake:	Buffer Zone width:	< 30 %	25 feet	≥ 30 %	50 feet		
Slope of land adjacent to watercourse or lake:	Buffer Zone width:								
< 30 %	25 feet								
≥ 30 %	50 feet								

<u>TYPE OF WATERBODY:</u>	<u>DEFINITION:</u>						
Class IV	Man-made waterbodies, usually downstream, established domestic, agricultural, hydroelectric supply or other beneficial use.						
<table border="1" data-bbox="526 527 1243 762"> <thead> <tr> <th data-bbox="526 527 935 632">Slope of land adjacent to watercourse or lake:</th> <th data-bbox="935 527 1243 632">Buffer Zone width:</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 632 935 695" style="text-align: center;">< 30 %</td> <td data-bbox="935 632 1243 695" style="text-align: center;">25 feet</td> </tr> <tr> <td data-bbox="526 695 935 762" style="text-align: center;">≥ 30 %</td> <td data-bbox="935 695 1243 762" style="text-align: center;">50 feet</td> </tr> </tbody> </table> <p data-bbox="167 827 1409 884">Reference: California Forest Practice Rules, California Code of Regulations, title 14, section 936.5, 956.5, Table 1</p>		Slope of land adjacent to watercourse or lake:	Buffer Zone width:	< 30 %	25 feet	≥ 30 %	50 feet
Slope of land adjacent to watercourse or lake:	Buffer Zone width:						
< 30 %	25 feet						
≥ 30 %	50 feet						
Unclassified	<p data-bbox="467 890 1419 1068">Has channel with evidence of having concentrated flowing water indicated by deposit of rock, sand, gravel, or soil. No aquatic life is present, shows no evidence of being capable of sediment transport to a higher order waterbody (Class I, II, or III). These features may have riparian plant communities present.</p> <p data-bbox="467 1108 1385 1249">No standard buffer zone width is designated. However timber harvest and vegetation management activities must be excluded from within the channel zone, except for use and maintenance of existing roads and crossings.</p>						

ATTACHMENT C
CATEGORY 4 APPLICATION FORM
AND
MONITORING AND REPORTING PROGRAM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

Per General Condition 24 (D.24), Discharger must field-verify all physical features required for documentation in this form. If upon field-verification, conditions or operations within the Activity Area are determined to not meet Category 4 Eligibility Criteria and Category Specific Conditions, Discharger must suspend activities and submit a Category 6 Application to obtain 2024 Timber Waiver coverage.

1. Activity Name:

CAL FIRE Plan Number: (If regulated by CAL FIRE, enter the number of the plan or exemption/emergency notice assigned to the Activity if available. If a CAL FIRE number is not available, but the Activity will proceed under an exemption or emergency, please state "CAL FIRE Exemption" or "CAL FIRE Emergency" in this box.)

Are Activity subject to Expedited Enrollment per Category 4E Eligibility Criteria? (F.4E.1)?

County:

2. Landowner's Contact Information: (If there is more than one landowner, list their contact information in an addendum to this form.)

Name of individual, company, or agency:		
Company or agency contact:		
Address:		
City:	State:	Zip Code:
Phone/Fax:	E-mail address:	

3. Name and Phone Number of Contact Person(s): (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
Name:	Phone/Fax/E-Mail:

If information requested in this form is included in existing documents or plans, those documents may be used to substitute for information specifically requested in this form. These documents must be submitted to the Water Board and specifically referenced by page number within this application.

4. Summary of Activity Information:

Total Activity Area Size (in acres):	Silvicultural prescription(s) or Activity purpose:
Project Location (narrative description, e.g., township/range/section; Universal Transverse Mercator (UTM) geographic coordinates; nearby landmarks, highways, etc.):	
<hr/> <hr/> <hr/>	

Indicate type of yarding system(s) and equipment proposed for use (if any):

<p style="text-align: center;"><u>Ground Based:</u></p> <input type="checkbox"/> Tractor, including end/long lining <input type="checkbox"/> Rubber tired skidder, Forwarder <input type="checkbox"/> Feller buncher	<p style="text-align: center;"><u>Cable:</u></p> <input type="checkbox"/> Cable, ground lead <input type="checkbox"/> Cable, high lead <input type="checkbox"/> Cable, skyline	<p style="text-align: center;"><u>Special:</u></p> <input type="checkbox"/> Hand crew <input type="checkbox"/> Masticator <input type="checkbox"/> Chipper <input type="checkbox"/> Other: _____ <hr/> <hr/> <hr/>
--	--	--

Indicate Activity characteristics:

<input type="checkbox"/> Clearcut acres _____ (enter amount) <input type="checkbox"/> SEZ/WBBZ Operations <input type="checkbox"/> Herbicide Use <input type="checkbox"/> Winter Ops <input type="checkbox"/> Broadcast Burn <input type="checkbox"/> Pile Burn <input type="checkbox"/> Site Prep	<p style="text-align: center;"><u>Roads and Landings:</u></p> <input type="checkbox"/> Roads Reconstructed <input type="checkbox"/> Roads in SEZ/WBBZ <input type="checkbox"/> Landings Constructed <input type="checkbox"/> Landings Reconstructed	<p style="text-align: center;"><u>Soils and Slopes:</u></p> <input type="checkbox"/> EHR Low <input type="checkbox"/> EHR Mod <input type="checkbox"/> EHR High <input type="checkbox"/> EHR Extreme <input type="checkbox"/> Unstable Areas <input type="checkbox"/> Slopes >65% <input type="checkbox"/> Slopes >50% w/ Ground Ops
--	--	--

5. Waterbody Classification: What types of Waterbodies exist within the Activity Area? (Information on Waterbody classification is provided in Attachment B.) Check all that apply:

<input type="checkbox"/> Class I	<input type="checkbox"/> Class II	<input type="checkbox"/> Class III
<input type="checkbox"/> Class IV	<input type="checkbox"/> Unclassified	<input type="checkbox"/> None within Activity Area
Nearest Class I watercourse name(s):		
<hr/>		
Calwater watershed name(s), if known:		

6. Environmental Conditions: Provide a narrative description of the existing watershed conditions including vegetation communities, forest stand density, geologic setting, wetland and riparian Areas if present, and surface water and groundwater conditions.

(attach additional pages if necessary)

7. Specific Activity Information:

Yes*	No	Do existing roads and Landings proposed for use exhibit signs of erosion or instability, including rills, gullies, or tension cracking?
*If you answered yes to the above question, answer the following:		
	Yes No	Could this erosion or instability result in sediment delivery to a Waterbody? If yes, describe mitigation measures that will be implemented to stop the delivery of sediment to Waterbodies, or drainage structures that drain to Waterbodies. If observed signs of erosion will not result in delivery of sediment to a Waterbody, explain mechanism(s) or physical features that will prevent sediment delivery:
(attach additional pages if necessary)		
Yes	No	Do the activities include the maintenance of existing, permanent Watercourse Crossings on site or appurtenant roads? If yes, briefly explain the extent of planned maintenance activities, the location(s), and provide on maps per 10, c, iii:
Yes	No	Do the activities include the installation of Skid Trail Watercourse Crossing of wet Class III Watercourses? If yes, briefly explain the mitigation measures planned for installation and removal:

Yes	No	Do the activities include the maintenance of roads? If yes, briefly explain the extent of planned maintenance activities and location:
Yes	No	Are equipment operations within the winter period anticipated?
Yes	No	Do the proposed timber harvest and vegetation management activities include prescribed fire? If yes, describe.

8. Timber Harvest and Vegetation Management Activities within SEZs/WBBZs:

Describe what activities (e.g., timber removal, operation of equipment, chipping, prescribed fire, ect. are planned within SEZs/WBBZs. Watercourse Crossing description requirements are in Section 10 (g).

(attach additional pages if necessary)

9.

Yes	No	Do you anticipate the need to apply pesticides (as defined in Attachment A) to the Activity Area? If yes, please notify the Water Board staff in an addendum to this form, or in a separate notice, at least 15 days prior to the proposed application. See Category 4 Monitoring and Reporting Requirement 5 (F.5.3.5).
Or		
Unknown		

10. Map of Activity Area: To complete your application, include a USGS 7.5 minute topographic (or equivalent or greater scale) map that clearly indicates all of the information listed below. Map(s) that have been created as part of a CEQA, or other planning document, may substitute for creating an individual map for this application provided they meet the above scale requirements and include all of the information listed below. Per General Condition 24 (D.24), an RPF, Federal Forestry Professional, or Natural Resource Professional must field-verify all physical features required below in items a. through j prior to the commencement of activities. Include all potential/possible locations for new Landings and temporary Watercourse Crossings on skid trails, Dischargers are not required to construct and use all possible Landings and Watercourse Crossings indicted in this application. If any of the required elements are not provided please include an explanation in the box below.

- a. The Activity Area boundary (Map of Activity Area)
- b. The relative location of the Activity to a nearby city, town, or landmark as a Site Location Map or narrative description included on Map of Activity Area.
- c. Roads used to conduct activities must be shown on map(s) and include:
 - i. Location of private and public roads to be used within the Activity Area.

- ii. Location of private and public roads that will be used to access the Activity Areas from a paved county, state, municipal, or federal road.
 - iii. Locations of planned maintenance of permanent Watercourse Crossing on existing site and appurtenant roads.
 - iv. Label the name or number of each road and indicate if such roads are under the ownership or control of the land owner or manager. (The appurtenant roads may be shown on a separate map which may be planimetric with a smaller scale.)
- d.** Location of proposed timber harvest and vegetation management activities (including skid trails) within SEZs/WBBZs.
- e.** Identify areas for possible Landing construction with a distinct symbol and unique ID.
- f.** Identify location of all existing Watercourse Crossings on roads with the Activity Area with a distinct symbol and unique ID. Dry Class III Watercourse Crossing descriptions not included in the application must be documented as Amendments using Attachment R and submitted by July 15 with Monitoring Reports until termination of coverage under the 2024 Timber Waiver
- g.** Approximate location of each possible temporary Class III Watercourse Crossings on skid trails with a distinct symbol and unique map ID. Provide a table with following information for each possible crossing location:
- i. Map ID
 - ii. Watercourse classification
 - iii. Crossing structure type
 - iv. Duration of structure installation
 - v. Will structure remain installed during winter period? Yes/No
 - vi. Latitude and Longitude (optional)
- h.** Location of possible temporary over-snow skid trail Watercourse Crossings with a distinct symbol and unique ID.
- i.** Boundaries of yarding systems, if more than one system is to be used, and/or operationally discreet portions of the Activity Area labeled with unique identifiers.
- j.** Location, classification, and name (if applicable) of all Waterbodies within and adjacent to the Activity Area. Information on Waterbody classification is provided in Attachment B.) Complete the following if the Activity Area does not include a Waterbody:

Name of nearest downstream Waterbody:
Classification:
Distance from Activity boundary:
Where is the downstream Waterbody located relative to the Activity Area? (e.g., southwest, etc.)

Explain why the requirements above are not provided:

(attach additional pages if necessary)

11. Request for modified monitoring and reporting program: Subject to approval by the Executive Officer, you may request to modify, reduce, or remove monitoring and/or reporting conditions for your Activity. Your request must include a description of what you are proposing and why it is warranted for your Activity.

You are required to monitor and report according to the standard conditions and forms of this Timber Waiver until you receive approval for your modified plan by the Executive Officer.

If requesting modified monitoring and reporting, provide description and justification here or in an addendum.

--

Monitoring and Reporting Program

Pursuant to Water Code section 13267, visual monitoring and semi-annual reporting are required for all activities that proceed under Category 4 of the Timber Waiver.

Implementation Monitoring:

Fall Implementation Monitoring: Review Attachment D for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **July 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by July 15.

Daily Winter-Period Monitoring: Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by **July 15**.

Winter Implementation Monitoring: Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

Additional Monitoring for Expedited Enrollment (Category 4E)

Photo-Point Monitoring:

Photo-point monitoring is required if by written notice from Water Board staff (e.g., during application review, agency consultation, or site visit). Please submit Attachment L if Water Board staff have provided notice that Photo Point Monitoring will be required. If required, this monitoring must be reported to the Water Board by **July 15**.

Effectiveness Monitoring:

Effectiveness monitoring is required to demonstrate successful SEPES Treatment indicated on the SEPES Table. If no SEPES are present within the Activity Area, Effectiveness Monitoring will not be required.

Review Attachment J for monitoring required at the end of the winter period each year. This monitoring must be reported to the Water Board by **July 15**.

Request for Modified Monitoring and Reporting Program:

Subject to approval by the Executive Officer, you may request to modify, reduce, or remove monitoring and/or reporting conditions for your plan. Your request must include a description of what you are proposing and why it is warranted for your Activity.

As specified in Timber Waiver Category 4 Monitoring and Reporting Requirement 2 (F.4.3.2), there are two specific instances where Dischargers may temporarily suspend required effectiveness and forensic monitoring for an entire Activity Area or for operationally discreet portions within an Activity Area clearly identified in the Category 4 Application:

- a) Extended periods of inactivity greater than one calendar year, if Implementation Monitoring Report (Attachment D) has been submitted to the Water Board and no ground disturbing have occurred since the preceding fall or winter, or

-
- b) Where Project operations have commenced and are then subsequently suspended indefinitely by events beyond the control of the Discharger.

Under either of the temporary monitoring suspensions described in Category 4 Monitoring and Reporting Requirement 2 (F.4.3.2), no Project-related equipment shall enter the Activity Area during these periods of inactivity, either on or off roads. The Discharger must note these periods of inactivity on the annual monitoring reports and include an explanation for the temporary suspension. The Discharger must resume monitoring upon receiving notice by Water Board staff of the end of the temporary monitoring suspension or resuming on site Ground-Based Equipment operations, whichever occurs sooner.

Certification:

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of Category 4 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2024-[TENT].

Signature:	Date:
Printed Name & Title:	
Phone/Fax/E-Mail:	

ATTACHMENT D
CATEGORY 4 IMPLEMENTATION MONITORING FORM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

This form and associated monitoring must be completed before the Winter Period and submitted annually to the Water Board by July 15 for the duration of active enrolment and at the conclusion of operations and submitted to the Water Board with the required Notice of Completion Form (Attachment M)

All applications submitted electronically must be sent to lahontan@waterboards.ca.gov

Implementation monitoring consists of visual monitoring of the Activity Area to ensure that all management practices designed to prevent sediment delivery and protect water quality are installed and functional. Pursuant to Water Code section 13267, this form, or an alternate form or report containing equivalent information, must be submitted by **July 15**.

1. **Activity Name:**

2. **WDID Number:**

3. This reason for completing this monitoring is:
 Activities are complete and this monitoring satisfies the monitoring required for termination of 2024 Timber Waiver Coverage. Operations were completed on: _____
 Activities commenced prior to the Winter period of this year and monitoring is required to ensure necessary management measures have been implemented prior to the onset of winter weather.

4. **Inspector's name and title:**

Date of inspection:

5. Operations within the Activity Area

Observation notes:

6. **All Landings within the Activity Area:** Inspected: None within Activity Area:

Yes No **Are all Landings Stabilized to prevent sediment delivery to Waterbodies?**
(e.g., are all waterbreaks properly installed)

Observation notes:

7. **All skid trails:**

Inspected:

None within plan area:

Yes No

Are all Skid Trails adequately Stabilized to prevent sediment delivery to Waterbodies? (e.g., are all waterbreaks properly installed)

Observation notes:

8. **All roads:**

Inspected:

None within plan area:

Yes No

Are all roads (temporary and permanent) adequately Stabilized to prevent sediment delivery to Waterbodies? All road segments include those used for Activities and roads appurtenant to Activities where such roads are under the ownership or control of the landowner or manager

Observation notes:

9. **All Watercourse Crossings:**

Inspected:

None within plan area:

Yes No

Are all dry class III skid trail watercourse crossings included in the complete application? If not, include an updated Activity Area map and watercourse crossing table that describes these crossings

Yes No

Have all watercourse crossings and associated fills and approaches been stabilized to prevent diversion of stream overflow down the road and to minimize fill erosion and delivery to a waterbody if the drainage structure became plugged?

Yes No

Are all Critical Dips or Overflow Structures installed?

Yes No

Is there any risk stream diversion during a high runoff event?

Yes No

Are roads hydrologically disconnected to the extent practicable?

Yes No

Are all fill slopes Stabilized?

Yes No

Are all Watercourse Crossings clear of debris to prevent plugging or diversion?

Yes No

N/A Have all over-snow skid trail watercourse crossings been removed such that the natural flow of water within the watercourse channel will not be obstructed or diverted? (All temporary fills should be excavated to form a channel that is as close as feasible to the natural watercourse grade and width without disturbing watercourse bed or banks)

Observation notes:

(attach additional pages if necessary)

10. Yes No **Does chipped material exceed an average depth of two inches, with a maximum depth of four inches, within Waterbody Buffer Zones?**

11. Yes No **Have constructed fuel breaks been adequately stabilized** (i.e., have effective waterbreaks been constructed)?

12. Yes No **Did you observe any signs of sediment delivery or potential sediment delivery** (e.g., failed stream banks, rills, gullies, unstable spoils, tension cracks) **within the Activity Area?**

If yes, describe the sediment sources and their location and describe what corrective measures were implemented, or are planned for implantation, to prevent waste discharge to waterbodies and to maintain compliance with the 2024 Timber Waiver:

(attach additional pages if necessary)

13. Yes No **Have all management practices** (e.g., riparian buffers, erosion control measures, water bars, critical dips) **been implemented to prevent sediment delivery to surface waters?**

If not, explain what corrective measures will be taken to maintain compliance with the Timber Waiver and to prevent impacts to water quality:

(attach additional pages if necessary)

14. Yes No **Category 4E Only—Are treatments of Significant Existing and Potential Erosion Sites (SEPES) described in a complete Category 4 application implemented according to the priority described in the project application?**

If not, explain circumstances and revised plans for implementation of mitigation measures. If new treatment priority is proposed, submit a revised copy of Attachment T.

(attach additional pages if necessary)

15. Any other additional notes regarding implementation monitoring, or the activity area in general:

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2024-[TENT], and all eligibility criteria and conditions for Category 4 of the Timber Waiver. I certify that any deviation from the submittals to the Water Board and/or the Timber Waiver eligibility criteria and conditions has been identified; I have disclosed such deviations in this form. I certify that failed management measures, discharges of waste, and/or sites displaying the potential to discharge waste will be treated with corrective actions to resolve the problem(s).

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

ATTACHMENT E

CATEGORIES 4 AND 6 DAILY WINTER PERIOD MONITORING PROGRAM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

Daily Monitoring only required during days of equipment operation during the winter period

Pursuant to 13267 of the California Water Code, daily monitoring is required for all activities covered under Category 4 or 6 of the Timber Waiver for days of tractor, vehicle, or equipment operation within the winter period (as defined in Attachment A).

This monitoring program consists of daily completion of the following checklist and has been developed to assure compliance with the Water Quality Control Plan for the Lahontan Region (Basin Plan) and to verify the adequacy and effectiveness of the Timber Waiver conditions and eligibility criteria pursuant to Water Code section 13269, subdivision (a)(2).

For Activities extending into the winter period or for Activities commencing in the winter period, daily monitoring begins with the first National Weather Service forecast of 30% chance of precipitation (<http://www.nws.noaa.gov/>) in the activity area. If the forecasted event does not result in more than .25 inches of precipitation, subsequent daily monitoring is not required upon documentation of the total precipitation that occurred. If 7 days of dry weather persists following a precipitation event that produces more than .25 inches of rain and soils are operable, monitoring is not required until next time National Weather Service forecasts a 30% chance of precipitation.

Accumulated monitoring data must be retained by the Discharger and submitted **July 15** of every year.

Category 4 and 6 Daily Winter Operations Monitoring Checklist

This checklist must be completed daily when equipment is operated during the winter period

Example

**Activity Name and
WDID Number:** _____

Inspector's name & Title: _____

Signature: _____

Day of operation:	10/17											
Total precipitation												
Field condition: operable soil ¹ , hard-frozen ² , or over snow ³ :	Op.											
Is any precipitation forecasted within the next 36 hours? (Y/N)	N											
Average depth of accumulated or machine compacted snow in area of operations:	N/A											
If operating over the snow or over hard-frozen soil conditions: Was soil disturbance observed today? ⁴	N/A											
Inspector's Initials	JD											

¹ **Over operable soil conditions:** Soils are operable (i.e., means vehicles, tractors, and other equipment operating on soils and native surface roads under wet conditions must not create ruts exceeding two inches in depth and 25 feet in length).

² **Over hard-frozen soil conditions:** soils and road surfaces in areas of equipment operations are solidly frozen to a depth sufficient to support the weight of operating equipment.

³ **Over snow:** Snow depth is sufficient to allow the operation of equipment without resulting in visible disturbance of soils.

⁴ If soil disturbance is observed: Detail when, where, and why these disturbances occurred and what corrective actions were taken to prevent impacts to water quality. **Retain this information within the monitoring file. If a discharge of sediment to a waterbody has occurred you must contact Water Board staff within 48 hours of detection at (530) 542-5400.**

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2024-[TENT], and all eligibility criteria and conditions for Categories 4 or 6 of the Timber Waiver. I certify that any deviation from the submittals to the Water Board and/or the Timber Waiver eligibility criteria and conditions has been identified; I have disclosed such deviations in this form. I certify that failed management measures, discharges of waste, and/or sites displaying the potential to discharge waste will be treated with corrective actions. to resolve the problem(s).

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

ATTACHMENT F
CATEGORY 5 APPLICATION FORM
AND
MONITORING AND REPORTING PROGRAM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges
 Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region
for CALFIRE–Approved Plans

**Conditional Waiver of Waste Discharge Requirements
 for Timber Harvest and Vegetation Management Activities**

All applications submitted electronically must be sent to lahontan@waterboards.ca.gov

1. **Plan Name:**

CAL FIRE Issued Plan Number:

2. **Name and Contact Information of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
Address:	
Name:	Phone/Fax/E-Mail:
Address:	

Plans located in the Lake Tahoe or Truckee River Hydrologic Units Only:

If your plan includes any of the following activities within the 100-year floodplain and/or stream environment zone (SEZ), please contact Water Board staff immediately to discuss required submittals and to initiate the public announcement/review (10 days) required prior to Water Board staff review and approval:

- enlargement of existing permanent watercourse crossings on existing roads
- construction of new permanent watercourse crossings
- construction of temporary roads
- construction of temporary watercourse crossings to remain in place longer than one season
- construction of skid trails
- construction of new waterholes
- pile burning
- conventional equipment operated off-road in SEZs or floodplains

Review Attachment N for more information on how Water Board policies may apply to your proposed activities. Please contact Water Board staff as soon as possible if you are planning any timber harvest or vegetation management activities within the 100-year floodplain or stream environment zone within the Lake Tahoe or Truckee River Hydrologic Units.

Monitoring and Reporting Program

Pursuant to Water Code section 13267 visual monitoring and semi-annual reporting are required for all activities that proceed under Category 5 of the Timber Waiver.

Implementation Monitoring:

Fall Implementation Monitoring: Review Attachment G for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **July 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

Winter Implementation Monitoring: Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

Forensic and Effectiveness Monitoring:

Forensic and effectiveness monitoring is required if **any** of the following conditions exist within the plan. If none of these conditions exist, then only Implementation monitoring is required. Please check which of the following conditions exist within the plan:

- Construction or re-construction of watercourse crossings over Class I, II or Class IV (with domestic use) watercourses
- Ground based equipment operations within waterbody buffer zone(s) or SEZs beyond an existing road prism
- Winter operations
- Mechanical site preparation
- Road construction or re-construction within 150 feet of a Class I, II or IV (with domestic use) waterbody
- Landing construction or re-construction within waterbody buffer zone(s) or SEZs
- Ground-based equipment operations in areas classified High or Extreme Erosion Hazard Rating
- Ground-based equipment operations on slopes over 50 percent
- Ground-based equipment operations on slopes over 30 percent in the Lake Tahoe Basin

Forensic Monitoring: Review Attachment I for monitoring required after significant rain events. This monitoring must be reported to the Water Board by **July 15** of each year.

Effectiveness Monitoring: Review Attachment J for monitoring required at the end of the winter period each year. This monitoring must be reported to the Water Board by **July 15**.

Photo-Point Monitoring:

Photo-point monitoring is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during the interdisciplinary review team process or site visit). Please submit Attachment L with your application if you check either or both of the following boxes:

- Construction or reconstruction of a bridge crossing over a watercourse
- Construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

Request for modified monitoring and reporting program:

Subject to approval by the Executive Officer, you may request to modify, reduce, or remove monitoring and/or reporting conditions for your plan. Your request must include a description of what you are proposing and why it is warranted for your plan.

As specified in Timber Waiver Category 5 Monitoring and Reporting Condition 1 (F.5.3.1), there are two specific instances where Dischargers may temporarily suspend required effectiveness and forensic monitoring:

- a) under certain extended periods where no site activities will occur from the last effectiveness monitoring after ground disturbing activities are completed until the stocking activities have resumed; or
- b) in those instances where project operations have commenced and are then subsequently suspended indefinitely by events above and beyond the control of the Discharger (e.g., large wildfires flooding mills with “black logs” while green logs are refused).

Under either of these temporary monitoring suspensions, the Discharger must agree that no project-related equipment shall enter the project sites during these periods of inactivity, either on or off roads. Although monitoring has been suspended, the Discharger must continue to submit the required annual monitoring forms, noting these periods of inactivity on the forms and including an explanation for the temporary suspension. During these interim periods, the Timber Waiver will remain in effect and monitoring will resume either at the request of Water Board staff at any time (e.g., if a large storm event occurred during this period) or when on site equipment operations have resumed.

I, the Landowner, or agent thereof, hereby agree to meet the conditions and eligibility criteria of Category 5 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2024-TENT.

Signature:	Date:
Printed Name and Title:	
Phone/Fax/E-Mail:	

- to minimize fill erosion and delivery to a waterbody if the drainage structure became plugged?**
- Yes No **NA** **Are all necessary critical dips properly installed?** (A properly installed critical dip, or other overflow structure, should be on the downhill side of all crossings.)
- Yes No **NA** **Is there any risk of stream diversion during a high runoff event?**
- Yes No **NA** **Is road runoff disconnected before it reaches the watercourse crossing?** (For example, are waterbreaks (i.e., rolling dips or waterbars) placed on the approaches to the crossing so that runoff and sediment is filtered prior to potential discharge to a waterbody? It may be impossible to disconnect all of the road drainage from the watercourse. However, the length of road draining to the stream should be kept to a minimum.)
- Yes No **NA** **Are all fill slopes adequately armored?**
- Yes No **NA** **If road surfacing (e.g., rock aggregate) is to be used near or at the watercourse crossing, is it done to the specification listed in the approved plan?** (At the minimum, rocking should be done at the size, depth, and extent listed in the approved plan.)
- Yes No **NA** **Are culverts clear of debris?**
- Yes No **NA** **Have all constructed or reconstructed watercourse crossings been installed and armored to prevent sediment discharge?** (e.g., by channel erosion, inlet scour, and road fill erosion)
- Yes No **NA** **Do all Class I watercourse crossings allow for fish passage?**
- Yes No **NA** **Have all temporary (seasonal) watercourse crossings been removed?** (All temporary fill should be excavated to form a channel that is as close as feasible to the natural watercourse grade and orientation, and that is wider than the natural channel.)

Additional notes on watercourse crossings within the activity area:

6. Dry Class III skid trail watercourse crossings

Are all dry class III skid trail watercourse crossings included in the complete application? If not, include an updated Activity Areas map and watercourse crossing table that describes these crossings

Yes No

7. **Water diversions and watering holes:**

Inspected:

None within area:

Additional notes on water diversions and watering holes within the activity area:

8. **All roads:**

Inspected:

None within area:

Yes No **Are all roads** (permanent, seasonal, or temporary road segments used for timber operations within the activity area, and roads appurtenant to operations where such roads are under the ownership or control of the landowner or manager) **adequately stabilized to prevent sediment delivery to a waterbody?**

Additional notes on road segments within the activity area:

9. **All existing and constructed landings:**

Inspected:

None within area:

Yes	No	Are all landings adequately stabilized (as defined in Attachment A) to prevent sediment delivery to a waterbody?
-----	----	--

Additional notes on existing and constructed landings within the activity area:

10. **All existing and constructed skid trails:**

Inspected:

None within area:

Yes No **Are all skid trails adequately stabilized to prevent sediment delivery to a waterbody?** (e.g., are all water bars properly installed)

Additional notes on existing and constructed skid trails within the activity area:

11. Status of all known or suspected landslides near roads, streams, or ground-based equipment operations:

Inspected: None within area:

Additional notes landslides within the activity area:

12. All unstable areas:

Inspected: None within area:

Yes No **Were unstable areas avoided during timber harvest and vegetation management activities?** (Unless allowed in the approved plan, make sure that timber harvest and vegetation management activities did not occur in unstable areas.)

Yes No **If timber harvest and vegetation management activities are permitted within unstable areas, have all site-specific mitigations listed within the approved plan been implemented?**

Additional notes on unstable areas within the activity area:

13. Recommendations made by Water Board staff during the pre-harvest inspection: (if not covered elsewhere in this report)

Inspected: None within area:

Yes No **Were all written recommendations made by Water Board staff in the pre-harvest inspection report implemented?**

Additional notes on recommendations made by Water Board staff:

14. Yes No **Have all management practices (e.g., riparian buffers, erosion control measures, water bars, critical dips) **been implemented to prevent sediment delivery to surface waters?****

If not, please explain what corrective measures will be taken to maintain compliance with the Timber Waiver and to prevent impacts to water quality:

(attach additional pages if necessary)

15. Yes No Did you observe any signs of sediment delivery or potential sediment delivery (e.g., failed stream banks, rills, gullies, unstabilized spoils) within the activity area?

If so, please describe the sediment sources, and what corrective measures will be taken to maintain compliance with the Timber Waiver and to prevent impacts to water quality:

(attach additional pages if necessary)

16. Pile placement and burning within WBBZs and/or SEZs

None within area

A) Pre-Burn Information:

- i. Date(s) piles created: _____
- ii. Type and relative abundance of vegetation observed in WBBZ/SEZ prior to burning is:

B) Date(s) piles burned _____. If piles have been burned, complete C) below.

C) Were all burn scars raked to 85% coverage with native duff or organic mulch and seed post-burning? (Y / N):

If Yes, provide date(s) raked: _____, if No, complete D) below.

D) If C) is No, then state date(s) of burn scar inspection: _____, and complete E), F), and G) during the second growing season following the burn.

E) Report on the status of vegetative recovery throughout the burn scars in terms of type and relative abundance of vegetation, compared to adjacent unburned areas. If using a representative sample rather than assessing all burn scars, provide additional details on the number of scars assessed and how the sample size was determined (attach more pages if necessary):

i. Type and relative abundance of vegetation observed in project adjacent to burn scars after burning is:

ii. Type and relative abundance of vegetative recovery in burn scars after burning is:

iii. The approximate % of burn scars within the representative sample without vegetative recovery after the second growing season is:

iv. Date(s) all burn scars not in a state of vegetative recovery after two growing seasons were raked to 85% coverage with either native duff or organic mulch and seed:

_____.

v. Additional Information (if needed):

F) Are invasive species present in any burn scars? (Y / N)

If F) is Yes, attach a corrective action plan and schedule for implementation of the corrective action plan.

G) Is there evidence of ash, charred material, or sediment movement off of any burn scars?
(Y / N)

If G) is Yes, describe where material moved, potential for delivery to surface water, and attach a corrective action plan and an implementation schedule for the plan if necessary.

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2024-[TENT], and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. I certify that any deviation from the approved plan and/or the Timber Waiver eligibility criteria and conditions has been identified; I have disclosed such deviations in this form. I certify that failed management measures, discharges of waste, and/or sites displaying the potential to discharge waste will be treated with corrective actions to resolve the problem(s)

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-mail: _____

ATTACHMENT H
WINTER IMPLEMENTATION MONITORING FORM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

Categories 4, 5, and 6

This form and associated monitoring must be completed at the conclusion of winter operations, or by April 1, whichever is sooner, and submitted to the Water Board by July 15

All applications submitted electronically must be sent to lahontan@waterboards.ca.gov

Winter implementation monitoring is only required if you conducted winter period operations, and consists of visual monitoring of areas where winter operations have occurred. This inspection should verify all management measures designed to prevent sediment delivery and protect water quality are in place and secure at the conclusion of winter operations.

1. **Activity/Plan Name:**
2. **WDID Number:**
3. **Inspector's name and title:**
- Date of inspection:**

- | | | | | |
|----|-----|----|---------------------------------|--|
| 4. | Yes | No | Not applicable to this activity | Have all watercourse crossings and associated fills and approaches been constructed or reconstructed to prevent diversion of stream overflow and to minimize fill erosion and delivery to a waterbody if the drainage structure becomes plugged? If no, please explain in an addendum to this form how stream diversion or obstruction and/or sediment delivery to a watercourse will be prevented. |
| 5. | Yes | No | Not applicable to this activity | Have all necessary critical dips been properly installed? If no, please explain in an addendum to this form why they have not been installed and/or when they will be installed. |
| 6. | Yes | No | Not applicable to this activity | Have all temporary over-snow skid trail watercourse crossings been removed without disturbing soils or damaging watercourse bed or banks? If no, please explain in an addendum to this form what actions have been taken to resolve watercourse bed or bank disturbance, or when temporary crossings will be removed. |

- | | | | | |
|----|-----|----|---------------------------------|--|
| 7. | Yes | No | Not applicable to this activity | Has all snow movement, plowing, packing, and/or cutting associated with timber harvest and vegetation management activities allowed for adequate road drainage and dissipation of snowmelt or runoff? If no, please explain in an addendum to this form why road drainage and runoff dissipation is inadequate, and when it will be resolved. |
| 8. | Yes | No | Not applicable to this activity | Have all culverts and drainage structures been cleared of debris, packed snow, and ice? If no, please explain in an addendum to this form why, and when this work will be implemented. |
| 9. | Yes | No | Not applicable to this activity | Have all areas subject to burn pile placement or prescribed fire operations been stabilized to prevent sediment delivery to watercourses? If no, please explain in an addendum to this form why, and when this work will be implemented. |

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2024-[TENT], and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. I certify that any deviation from the submittals to the Water Board, and/or the Timber Waiver eligibility criteria and conditions has been identified; I have disclosed such deviations in this form. I certify that observations of failed management measures and/or discharges of waste will be treated with corrective actions to resolve the problem.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-mail: _____

ATTACHMENT I

FORENSIC MONITORING FORM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

Categories 5 and 6

This form and associated monitoring must be completed soon after any Significant Rain Event (sufficient to cause runoff within the Activity Area) occurring during Activities while personnel and equipment are onsite, and must be made available for review upon notice by Water Board staff and submitted annually to Water Board by July 15

All applications submitted electronically must be sent to lahontan@waterboards.ca.gov

Forensic Monitoring: is visual monitoring of Waterbodies and Waterbody Buffer Zones to identify evidence of sediment discharge and/or locate sources of sediment delivery (or potential delivery) to a Waterbody so that corrective actions may be taken to prevent or reduce sediment discharges to waterbodies. Forensic Monitoring supports protection of the quality of waters of the state via real-time evaluation of the effectiveness of water quality management measures within the Activity Area. Forensic monitoring must be conducted soon after Significant Rain Events and consists of visual monitoring of effective management measures and documentation of corrective actions implemented to support water quality and 2024 Timber Waiver compliance. Specific areas subject to forensic monitoring are:

- Waterbodies
- Watercourse Crossings
- Landings
- burned areas
- Unstable Areas
- Temporary and Permanent Roads
- Waterbody Buffer Zones
- Skid Trails

The purpose of this monitoring is to:

- (1) detect elevated turbidity levels in surface waters, and locate sources of sediment discharge,
- (2) determine the condition of installed management measures and document effective management measures,
- (3) detect failure to implement necessary management measures and implement corrective action,
- (4) detect water quality impacts caused by failed management measures,
- (5) detect water quality impacts related to Activities, and
- (6) identify sources of potential sediment delivery in a timely manner so that corrective action may be taken to avoid sediment discharges to water bodies.

This monitoring must be conducted during active operations (during periods when equipment and/or personnel are present in the Activity Area) after any rain event which causes runoff. Completed reports must be made available for review at the request of the Water Board and submitted to the Water Board on July 15 for the duration of Activities and until coverage under the 2024 Timber Waiver is terminated in writing by Water Board staff. This form or report containing equivalent information must be completed and signed.

Activity Name:

WDID Number:

Yes No Have Significant Rain Events occurred during Activities?

If **yes**, please complete this form and associated monitoring.
If **no**, provide anticipated dates for to beginning and end of operations (if known).

If no significant rain events occurred during operations, you are not required to complete the remainder of this form, please sign the landowner signature box at the bottom of page six and submit to the Water Board by July 15th.

Inspection Form

Within 36 hours of a Significant Rain Event, inspect accessible areas within the Activity Area and Waterbodies immediately downstream of Activity Area and complete the following:

1. **Inspector's name and title:**

2. **Date of inspection:**

3. **Weather Observations and Precipitation Levels:**

(Some of this information may be obtained at the following webpage: <http://water.weather.gov/>)

Stream Stage (select one):	<input type="checkbox"/> Dry	<input type="checkbox"/> Low	<input type="checkbox"/> Moderate	<input type="checkbox"/> High	<input type="checkbox"/> Flooding
Precipitation (select one):	<input type="checkbox"/> None	<input type="checkbox"/> Drizzle	<input type="checkbox"/> Rain	<input type="checkbox"/> Rain on Snow	
Date of and approximate amount of last precipitation:	(This information may be obtained at the following webpage: http://water.weather.gov/)				
Accumulated precipitation this season:	_____ inches of	<input type="checkbox"/> Rain	<input type="checkbox"/> Snow	(This information may be obtained at the following webpage: http://water.weather.gov/)	
Additional notes on weather and precipitation:					

Inspect all the following areas and infrastructure within the Activity Area if accessible.

Use the space following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, if they were not accessible for inspection, and if evidence of erosion or delivery to a waterbody are observed.

Look for signs of erosion and transport of sediment to a waterbody. These signs may include:

- Landsliding or slumping
- erosion voids
- tension cracking or settling of road fill or sidecast
- rilling or gullying of road surfaces, road fills, landings, cutbanks, etc.
- increased levels of sediment/turbidity in waterbodies immediately downstream of operations

If evidence of sediment erosion and delivery to a waterbody are observed:

- Identify the Waterbody and describe specific locations within or adjacent to the Waterbody.
- Photograph the source of sediment and point of delivery to the Waterbody and record the location using the Photo-Point Monitoring Form (Attachment L).
- Describe what corrective measures will be taken to stop sediment delivery and protect water quality.
- Indicate when corrective measures will be initiated and the expected completion date
- Report discharges to lahontan@waterboards.ca.gov or by telephone (530) 542-5400 no later than 48 hours after detection as required per General Monitoring and Reporting Condition 3 (E.1).

If elevated levels of turbidity and/or sediment discharge is observed in Waterbodies:

- Describe where the observations occurred and the affected Waterbody.
- Explain if elevated turbidity is a result of sediment discharge from within the Activity Area.
- Describe what corrective measures will be taken to address the observed sediment delivery and protect water quality and when they are planned for implementation.

If any erosion or failed management measures within the Activity Area cause sediment delivery to a Waterbody, then photo-point monitoring is required using the Photo-Point Monitoring Form (Attachment L).

Forensic monitoring requirements are limited to the times when personnel and/or equipment are present on the Activity Area. The Water Board expects that no adverse effects to the quality of waters of the state would result from road system use to Access the Activity area, or that worker safety would be compromised. If areas are not accessible for monitoring, please indicate why and provide photo documentation. Acceptable reasons may include:

- Adverse effects to the quality of waters of the state would result from road system use to access the activity area or waterbodies immediately downstream of operations.
- Worker safety would be compromised.

4. Areas where Activities are, or were, conducted within or adjacent to Unstable Areas.

none exist

(attach additional pages if necessary)

5. Constructed or Reconstructed Permanent Watercourse Crossings.

none exist

(attach additional pages if necessary)

6. Constructed or Reconstructed Temporary Watercourse Crossings.

none exist

(attach additional pages if necessary)

7. Waterbody Buffer Zones (WBBZs) or Stream Environment Zones (SEZs) where Ground-Based equipment operations or use of Prescribed Fire have occurred.

none exist

(attach additional pages if necessary)

8. Road Construction or Reconstruction within 150 feet of a Class I, II, or IV (with domestic use) Watercourse.

none exist

(attach additional pages if necessary)

9. Landing Construction or Reconstruction within WBBZs or SEZs.

none exist

(attach additional pages if necessary)

10. Areas classified as high or extreme Erosion Hazard Rating where Ground-Based equipment has operated and there is potential for water quality impacts.

none exist

(attach additional pages if necessary)

11. Areas of in-lieu practices (Category 5 only) that have the potential to impact water quality.

none exist

(attach additional pages if necessary)

12. For Category 5 Projects only: If the Discharger has suspended forensic monitoring during an interim period per Timber Waiver Category 5 Monitoring and Reporting Condition 1 (F.5.3.1), please note these periods of inactivity and include an explanation for the temporary suspension in the box below.

(attach additional pages if necessary)

I, the Landowner, Agent thereof, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (2024 Timber Waiver), Resolution R6T-2024-TENT and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved Activity, and/or the Timber Waiver eligibility criteria and conditions has been identified; I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: _____ Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

ATTACHMENT J
EFFECTIVENESS MONITORING FORM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges
Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

Categories 3,4E, 5, 6, and 6E

**This form and associated monitoring must be completed after the Winter Period, between
March 15 and June 15, and submitted to Water Board by July 15**

All applications submitted electronically must be submitted to lahontan@waterboards.ca.gov

Effectiveness Monitoring: is a visual evaluation of management measures (e.g., erosion control structures) and infrastructure (e.g., roads and watercourse crossings) within the Activity Area following the Winter Period, typically between March 15 and June 15, to determine the effectiveness of implemented management measures in preventing sediment discharge to surface waters and protecting water quality, and to identify any locations of sediment delivery that may have developed during the Winter Period. Effectiveness monitoring and reporting is required annually for the duration of Activities and one spring season following completion of Activities.

For Category 4E and 6E projects, Effectiveness Monitoring is used to assess successful treatment or avoidance of Significant Existing and Potential Erosion Sites (SEPES) documented in a complete application. Effectiveness monitoring for category 4E and 6E Activities is required annually for the duration of Activities until termination of 2024 Timber Waiver coverage. Dischargers must demonstrate stabilization of SEPES prior to termination of Timber Waiver Coverage. Category 3 Activities are subject to Effectiveness Monitoring upon written notice from Water Board staff.

As soon as the Activity Area is accessible following the Winter Period, inspect the Activity Area and complete this form. Do not access the Activity Area if soils are Saturated, if significant environmental impacts would result from road system use, or if worker safety would be compromised.

Management measures are considered effective if they result in compliance with the provisions and conditions contained in the 2024 Timber Waiver. The Discharger should focus on the following areas and inspect for signs of erosion and sediment delivery to Waterbodies.

1. **Activity Name:**
2. **WDID Number:**
3. **Inspector's name and title:**
4. **Date of inspection:**
5. **Weather Observations and Precipitation:**

Approximate total of accumulated precipitation this season: _____ inches of <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Mixed
(This information may be obtained at the following webpage: http://water.weather.gov/)

Additional notes on weather and precipitation:
--

Inspect all the following areas and infrastructure within the Activity Area when conditions allow.

Use the box spaces following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, if they were not accessible for inspection, and to indicate if evidence of erosion or sediment delivery to a Waterbody is observed. A narrative summary of inspection observations and findings must be provided for all applicable features associated with Activities, even if there are no water quality issues observed. During your inspection, look for signs of Signs erosion and sediment transport to Waterbodies may include:

- Landslides or slumping
- Erosion voids
- Tension cracking or settling of road fill or sidecast material
- Rilling or gullyng of road surfaces, road fills, landings, cutbanks, etc.
- Increased levels of sediment deposition in Waterbodies immediately downstream of Activities

If evidence of waste discharge to Waterbodies is observed, Discharger must report to lahontan@waterboards.ca.gov no later than 48 hours after detection as required per General Monitoring and Reporting Condition E.1.

If evidence of failed management measures is observed, the Discharger must:

- Submit a map and narrative that describes failed management practice(s) and the location(s) within the Activity Area.
- Submit a description of what and when corrective measures will be taken to stop and/or prevent sediment delivery and protect water quality.

Category 6E only: If changes in waterbody classification or physical extent is observed, the Discharger must:

- Submit a map and narrative that describes failed management practice(s) and the location(s) within the Activity Area.
- Submit a description of measures taken to protect water quality during field activities (examples may include but are not limited to: new flagging to identify new wet areas, revised maps provided to equipment operators, crew trainings, etc).

6. Constructed or re-constructed watercourse crossings None exist

(Summary of inspection observations and findings. Attach additional pages if necessary)

7. Skid Trail Watercourse Crossings None exist

(Summary of inspection observations and findings. Attach additional pages if necessary)

8. WBBZ and SEZ management measures and equipment operation areas None exist

(Summary of observations and findings. Attach additional pages if necessary)

9. Areas of in-lieu practices (Category 5 Activities only) None exist

(Summary of observations and findings. Attach additional pages if necessary)

10. Ground-Based Equipment operations on slopes steeper than 30%, Unstable Areas, or soils with High or Extreme Erosion Hazard Rating None exist

(Summary of inspection observations and findings. Attach additional pages if necessary)

11. Pile placement and burning within SEZs and 100-year floodplains

None exist

- A) Are all Burn Piles located a minimum of 25 feet from all waterbodies? (Y / N). If no, submit a map as an attachment to this monitoring form that accurately displays the location of all burn piles within 25 feet of a watercourse.
- B) Are any burn piles located within a 100-Year Floodplain? (Y / N) If yes, submit a map as an attachment to this monitoring form that accurately displays the location of all burn piles within 100-year floodplains.
- C) Pre-Burn Information:
- i. Date(s) piles created: _____
 - ii. Type and relative abundance of vegetation and soil surface cover observed in SEZ prior to creating burn piles:
- D) Date(s) piles burned _____. If piles were burned, complete C) below.
- E) Were all burn scars raked to 85% coverage with native duff or organic mulch and seed post-burning? (Y / N):
- If Yes, date(s) raked: _____, if No, complete F) below.
- F) If the response to E) is No, then state date(s) of burn scar inspection: _____, and complete G), H), and I) during the second growing season following the burn.
- G) Report on the status of vegetative and soil surface recovery throughout the burn scars in terms of type and relative abundance of vegetation, compared to adjacent unburned areas. If using a representative sample rather than assessing all burn scars, provide additional details on the number of scars assessed and how the sample size was determined (attach more pages if necessary):
- i. Type and relative abundance of vegetation observed in project adjacent to burn scars after burning is:
 - ii. Type and relative abundance of vegetative recovery in burn scars after burning is:
 - iii. The approximate % of burns scars within the representative sample without vegetative recovery after the second growing season is:
 - iv. Date(s) all burns scars not in a state of vegetative recovery after two growing seasons were raked to 85% coverage with either native duff or organic mulch and seed:
_____.
 - v. Additional Information (if needed):

H) Are invasive species present in any burn scars? (Y / N)

If F) is Yes, attach a corrective action plan and schedule for implementation of the corrective action plan.

I) Is there evidence of ash, charred material, or sediment transport from burn scars? (Y / N)

If I) is Yes, describe where material moved, potential for delivery to surface water, and attach a corrective action plan and an implementation schedule for the plan if necessary.

(attach additional pages if necessary)

12. SEPES Treatment (Category 4E and 6E)

None exist

1. Have all High Priority SEPES been Treated? (Y/N)

2. If not, provide Site ID for untreated High Priority SEPES

3. Are High Priority SEPES effectively Stabilized to stop existing or potential discharge of sediment to the subject Waterbody

4. Describe existing and/or potential sediment discharge at Medium and Low Priority SEPES using Site ID for each SEPES. Describe treatment outcomes at Medium and Low Priority SEPES that have been treated using Site IDs.

5. Describe existing and/or potential sediment discharge at No-Treatment SEPES using Site ID for each SEPES, has the quantity of potential sediment discharge increased since submittal of the SEPES Table? If so, revise treatment priority and resubmit SEPES Table.

6. Do any SEPES require change in treatment priority? If so, identify using Site IDs as needed.

7. Have additional SEPES been identified which were not included on the SEPES Table? If so, revise and resubmit SEPES Table with Effectiveness Monitoring Report submittal on July 15.

If the Discharger has suspended effectiveness monitoring for an entire Activity Area or for operationally discreet units within an Activity Area that are clearly identified in a complete application, during an interim period per 2024 Timber Waiver Category 5 Monitoring and Reporting Condition 5 (F.5.3.1) or Category 6 Monitoring and Reporting Condition 1 (F.6.3.1.1).

Please note these periods of inactivity and include an explanation for the temporary suspension in the box below.

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2024-[TENT], and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. I certify that any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified; I have disclosed such deviations in this form. I certify that failed management measures, discharges of waste, and/or sites displaying the potential to discharge waste will be treated with corrective actions to resolve the problem(s).

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

ATTACHMENT K
CATEGORY 6 APPLICATION FORM
AND
MONITORING AND REPORTING PROGRAM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges
 Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

All information is required. Incomplete applications will delay processing and application acceptance.

All applications submitted electronically must be sent to lahontan@waterboards.ca.gov

1. Activity Name:

CAL FIRE Plan Number: (If regulated by CAL FIRE, enter the number of the plan or exemption/emergency notice assigned to the Activity, if available. If a CAL FIRE number is not available, but the activity will proceed under an exemption or emergency, please state "CAL FIRE Exemption" or "CAL FIRE Emergency" in this box.)

Is this activity subject to Expedited Enrollment per F.4E.1)?

County:

2. Landowner's Contact Information: (If there is more than one landowner, list their contact information in an addendum to this form.)

Name of individual, company, or agency:		
Company or agency contact:		
Address:		
City:	State:	Zip Code:
Phone:	E-mail address:	

3. RPF, Federal Forestry Professional, or Natural Resource Professional Contact Information: (List the primary person(s) supervising/implementing on-site operations.)

Name:	RPF License Number:	
Address:		
City:	State:	Zip Code:
Phone/Fax:	E-mail address:	

4. Name and Phone Number of Agent, if an Agent is employed for the Activity:

Name:	Phone/Fax/E-Mail:
Name:	Phone/Fax/E-Mail:

If information requested in this form is included in existing documents or plans, those documents may be used to substitute for information requested in this form. Such documents must be submitted to the Water Board with this application with the location of information specifically referenced by section and/or page number within this application.

5. Summary of Activity Information:

Total Activity Area Size (in acres):	Silviculture prescription(s) or activity purpose:
Project Location (narrative description, e.g., township/range/section; Universal Transverse Mercator (UTM) geographic coordinates; nearby landmarks, highways, etc.):	

Indicate type of yarding system(s), equipment, and operations proposed for use (if any):

<p><u>Ground Based:</u></p> <input type="checkbox"/> Tractor, including end/long lining <input type="checkbox"/> Rubber tired skidder, Forwarder <input type="checkbox"/> Feller buncher <input type="checkbox"/> Clearcut Acres # of clearcut acres: _____ <input type="checkbox"/> SEZ/WBBZ Ops <input type="checkbox"/> Herbicide Use <input type="checkbox"/> Winter Ops <input type="checkbox"/> Mechanical Site Prep <input type="checkbox"/> Broadcast Burn <input type="checkbox"/> Pile Burn <input type="checkbox"/> Site Prep	<p><u>Cable:</u></p> <input type="checkbox"/> Cable, ground lead <input type="checkbox"/> Cable, high lead <input type="checkbox"/> Cable, skyline <p><u>Roads & Landings:</u></p> <input type="checkbox"/> Roads Constructed <input type="checkbox"/> Roads Reconstructed <input type="checkbox"/> Roads in SEZ/WBBZ <input type="checkbox"/> New Road Length: _____ Approximate lineal feet: _____ <input type="checkbox"/> Landings Constructed <input type="checkbox"/> Landings Reconstructed	<p><u>Special:</u></p> <input type="checkbox"/> Hand crew <input type="checkbox"/> Masticator/Chipper <input type="checkbox"/> Helicopter <input type="checkbox"/> Other: _____ _____ _____ <p><u>Soils & Slopes:</u></p> <input type="checkbox"/> EHR Low <input type="checkbox"/> EHR Mod <input type="checkbox"/> EHR High <input type="checkbox"/> EHR Extreme <input type="checkbox"/> Unstable Areas <input type="checkbox"/> Slopes >65% <input type="checkbox"/> Slopes >50% w/ Ground Ops
--	---	--

6. Waterbody Classification: What types of waterbodies exist within the Activity Area? (Information on waterbody classification is provided in Attachment B.) Check all that apply:

<input type="checkbox"/> Class I	<input type="checkbox"/> Class II	<input type="checkbox"/> Class III
<input type="checkbox"/> Class IV	<input type="checkbox"/> Unclassified	<input type="checkbox"/> None within activity area
Nearest Class I watercourse name: _____		
Calwater Watershed Name(s), if known: _____		

7. Environmental Conditions: Provide a narrative description of the existing watershed resources and conditions including vegetation communities, forest stand density, geologic setting, wetland and riparian areas if present, and surface water and groundwater. Attach additional pages if necessary

8. Prescribed fire:

8.a. Yes No N/A Do Project activities include prescribed fire? If No, proceed to Item 9, otherwise continue.

8.b. Yes No Do Project activities include broadcast burning?
Upland WBBZ SEZ If Yes, where will broadcast burning occur? Check all that apply.

8.c. Yes No Do Project activities include pile burning?
Upland WBBZ SEZ If Yes, where will pile burning occur? Check all that apply.

8.d. Yes No N/A If the Project includes pile burning in an SEZ, does it adhere to the requirements in Attachment Q?

8.e. Yes No N/A If the Project includes pile burning in an SEZ : does the Project meet the requirements for an automatic Basin Plan Prohibition Exemption as described in Attachment N? (only applies to Lake Tahoe Hydrologic Unit)

8.f. Provide a description of fire operations in SEZ and WBBZ areas including:

- i. Methods of treatment:
- ii. Approximate acreage of SEZ/WBBZ treatment area within the Project boundary:
- iii. Approximate percent of SEZ/WBBZ treatment area to be covered in piles (circle one): 0-10% 10-20% 20-30%
- iv. Anticipated Option to be employed per Attachment Q, Item e. (circle one):
Option 1 Option 2

- v. **If using Option 2 (Attachment Q, Item e), provide methods or criteria (qualitative or quantitative) for determining Vegetative and Soil Surface Recovery of burn scars as compared to pre-treatment conditions.**
- vi. **Identify treatment areas (e.g. Units) where greater than 40% of material in piles is expected to exceed 9” diameter at the time the piles are built**
- vii. **Anticipated schedule for burn pile placement and burning**
- viii. **Water quality related design features or management measures to protect SEZ or WBBZ other than those in Attachment Q**

(attach additional pages if necessary)

8.g. Provide a description of fire operations in areas outside of SEZs/WBBZs (upland areas) including:

- i. **Methods of treatment**
- ii. **Approximate acreage subject to prescribed fire treatment**
- iii. **Anticipated schedule for burn pile placement and burning**
- iv. **Water quality related design features or mitigation measures**

(attach additional pages if necessary)

9. Watercourse crossings

Yes*	No	Are Temporary, Permanent, or Skid Trail Watercourse Crossings proposed where water will be flowing at the time of construction or use?	
*If you answered yes to the above question, please answer the following:			
	Yes	No	Indicate the methods planned to ensure that waste does not enter the watercourse during use of the crossing or construction, or removal of the crossing structure. Provide this information for each of the planned Watercourse Crossings:
(attach additional pages if necessary)			

10. Specific Activity Information:

Yes*	No	Do existing roads and/or Landings proposed for use exhibit signs of erosion or instability, including rills, gullies, or tension cracking?	
*If you answered yes to the above question, please answer the following:			
	Yes	No	Could this erosion or instability result in sediment delivery to a waterbody? If yes, describe mitigation measures that will be implemented to stop the delivery of sediment to waterbodies, or drainage structures that drain to waterbodies. If observed signs of erosion will not result in delivery of sediment to a waterbody, explain mechanism(s) or physical features that will prevent sediment delivery:
(attach additional pages if necessary)			

11. Provide activity information below as required in Category 6, Conditions 2 through 4 (F.6.2.2, F.6.2.3 and F.6.2.4) on pages 29 and 30 of the 2024 Timber Waiver. For all physical conditions or proposed Activities identified in Condition 2 through 4, Discharger must explain and justify the proposal and provide management measures to avoid any adverse effects to the quality of waters of the state, according to Category 6, Condition 5 (F.6.2.5). If details and mitigation measures are referenced in supporting documentation, that document must be attached or provided electronically, and the specific location of the referenced details must be noted on the Map of Activity Area.

- g.** Location of proposed landing construction or reconstruction where greater than ¼ acre of excavation, grading, or surface clearing will occur or identify areas of possible landing construction.
- h.** Location of all existing and proposed Temporary and Permanent Watercourse Crossings on site and appurtenant roads. Provide a table with following information for each proposed crossing construction location on site or appurtenant roads:
 - i. Map ID
 - ii. Watercourse classification
 - iii. Crossing structure type
 - iv. Volume of fill required for crossing construction (if applicable)
 - v. Duration of structure installation
 - vi. Will structure remain installed during winter period? Yes/No
 - vii. Latitude and Longitude (optional)
- i.** Approximate location of possible skid trail watercourse crossings. Provide a table with following information for each possible crossing construction location on skid trails. Dry Class III watercourse crossing locations and descriptions not included in the application maybe submitted after installation as an Amendment using Attachment R:
 - viii. Map ID
 - ix. Watercourse classification
 - x. Crossing structure type
 - xi. Volume of fill required for crossing construction (if applicable)
 - xii. Duration of structure installation
 - xiii. Will structure remain installed during winter period? Yes/No
 - xiv. Latitude and Longitude (optional)
- j.** Location of erosion hazard rating areas, if more than one rating exists.
- k.** Location of known unstable areas or slides.
- l.** Boundaries of yarding systems, if more than one system is to be used, and/or operationally discreet portions of the activity area labeled with unique identifiers,
- m.** Location of proposed temporary over-snow skid trail watercourse crossings (if known).
- n.** Location of wetlands, meadows, springs, and other wet areas within the activity area.
- o.** Location, classification, and name (if applicable) of all waterbodies within the activity area. (Information on waterbody classification is provided in Attachment B.) Complete the following if the activity area does not include a waterbody:

Name of nearest downstream waterbody:	
Classification:	
Distance from activity boundary:	

Explain why any of the mapping requirements above are not provided:

(attach additional pages if necessary)

Monitoring and Reporting Program

Pursuant to Water Code section 13267, visual monitoring and semi-annual reporting are required for all activities that proceed under Category 6 of the Timber Waiver.

Implementation Monitoring:

Fall Implementation Monitoring: Review Attachment G for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **July 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

Daily Winter-Period Monitoring: Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by **July 15**.

Winter Implementation Monitoring: Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

Forensic and Effectiveness Monitoring:

Forensic and effectiveness monitoring is required if **any** of the following conditions exist within the plan. If none of these conditions exist, then only Implementation monitoring is required.

- Construction or re-construction of watercourse crossings over Class I, II or Class IV (with domestic use) watercourses
- Ground based equipment operations within Waterbody Buffer Zone(s) (WBBZs) or Stream Environment Zones (SEZs) beyond an existing road prism
- Pile placement and burning within WBBZs or SEZs
- Winter operations
- Mechanical Site Preparation
- Road construction or re-construction within 150 feet of a Class I, II or IV (with domestic use) waterbody
- Landing construction or re-construction within WBBZs or SEZs
- Ground-based equipment operations in areas classified High or Extreme Erosion Hazard Rating
- Ground-based equipment operations on slopes over 50 percent
- Ground-based equipment operations on slopes over 30 percent in the Lake Tahoe Basin
- SEPES mitigation (Category 6E only)

Forensic Monitoring: Review Attachment I for monitoring required after significant rain events. This monitoring must be reported to the Water Board by **July 15** of each year.

Effectiveness Monitoring: Review Attachment J for monitoring required at the end of the winter period each year. This monitoring must be reported to the Water Board by **July 15**.

Photo-Point Monitoring:

Photo-point monitoring is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during application review, agency consultation, or site visit). Please submit Attachment L with your application if you check the following boxes:

- Construction or Reconstruction of a bridge crossing over a watercourse
- Construction or reconstruction of a Watercourse Crossing using a culvert that is 24 inches or greater in diameter

Request for modified monitoring and reporting program:

Subject to approval by the Executive Officer, you may request to modify, reduce, or remove monitoring and/or reporting conditions for your plan. Your request must include a description of what you are proposing and why it is warranted for your plan.

As specified in Timber Waiver Category 6 Monitoring and Reporting Condition 1 (F.6.3.1), there are two specific instances where Dischargers may temporarily suspend required effectiveness and forensic monitoring for an entire activity area or for operationally discreet portions within an activity area clearly identified in the Category 6 Application:

- a) under certain extended periods where no site activities will occur from the last effectiveness monitoring after ground disturbing activities are completed until the stocking activities have resumed; or
- b) in those instances where project operations have commenced and are then subsequently suspended indefinitely by events above and beyond the control of the Discharger (e.g., large wildfires flooding mills with “black logs” while green logs are refused).

Under either of these temporary monitoring suspensions, the Discharger must agree that no project-related equipment shall enter the project sites during these periods of inactivity, either on or off roads. Although monitoring has been suspended, the Discharger must continue to submit the required annual monitoring forms, noting these periods of inactivity on the forms and including an explanation for the temporary suspension. During these interim periods, the Timber Waiver will remain in effect and monitoring will resume either at the request of Water Board staff at any time (e.g., if a large storm event occurred during this period) or when on site equipment operations have resumed.

Certifications:

I, the Registered Professional Forester, Federal Forestry Professional, or Natural Resource Professional, hereby certify that the information in sections 7, 8, and 9 of this application accurately represents site conditions and that my assessments made above are true and correct.

Signature: _____

Date: _____

I, the Landowner, agent thereof, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of Category 6 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (2024 Timber Waiver), Resolution R6T-2024-TENT.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

ATTACHMENT L

PHOTO-POINT MONITORING FORM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region
To be included with either Fall Implementation or Winter Implementation Monitoring, and Effectiveness Monitoring Report submittal

All applications submitted electronically must be sent to lahontan@waterboards.ca.gov

If required, photo-point monitoring reports, including photos and data sheet, must be submitted 1) once with implementation monitoring report submittal respective to the operational period in which the Activity was conducted (Fall or Winter Implementation Monitoring) and 2) with all subsequent Effectiveness monitoring reports submitted to the Water Board or until Water Board staff notify the Discharger in writing that phot-point monitoring is no longer required. **Complete sections 1 and 2 of this form once, and submit with your 2024 Timber Waiver Application Form.**

1. Identification of Photo-Point Monitoring Locations:

<p>List all photo-point monitoring locations below with a brief description of the feature subject to this monitoring at a particular point (e.g., “Span crossing at Class I watercourse”). Photo point-monitoring must occur at:</p> <ul style="list-style-type: none"><input type="checkbox"/> Locations where span watercourse crossings will be constructed or reconstructed.<input type="checkbox"/> Locations where watercourse crossings will be constructed or reconstructed using a 24-inch or greater diameter culvert.<input type="checkbox"/> Points requested by Water Board staff.
PP #1:
PP #2:
PP #3:
PP #4: <div style="text-align: right; font-size: small;">(attach additional pages if necessary)</div>
All photo-point monitoring locations must be identified on a map included with this form and in the field in a method that will persist through the duration of Activities. Photo-point photographs should be taken from the same location, direction, height, and time of day each time, and taken when the sun’s rays or shadows do not obscure points of interest.

2. Photo-Point Monitoring Purpose and Frequency:

<p>Photo-point monitoring must be completed for all points:</p> <ul style="list-style-type: none"><input type="checkbox"/> prior to initiation of activities at the point<input type="checkbox"/> during fall or winter implementation monitoring, respective to the operational period in which Activities occurred.<input type="checkbox"/> during effectiveness monitoring reporting for the duration of Activities, or until Water Board staff notify the Discharger in writing that phot-point monitoring is no longer required .
--

Photo-Point Monitoring Data Sheet

1. **Activity Name:**

WDID Number:

Monitoring Type: Pre-Implementation Forensic Effectiveness
 Implementation

Inspector's name and title:

Date of inspection:

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	<input type="text"/>		

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	<input type="text"/>		

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	<input type="text"/>		

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	_____		

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	_____		

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	_____		

Point No. (as indicated on map) :	_____	Reason point identified :	_____
Date photo taken:	_____	Time photo taken:	_____
Observations/Notes:	_____		

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that the Activities for the above-referenced Activity were conducted in conformance with applications and submittals to the Water Board and all general conditions and category-specific conditions and criteria of the 2024 Timber Waiver, Resolution R6T-2024-[TENT], for which my project was enrolled. I certify that failed management measures, discharges of waste, and/or sites displaying the potential to discharge waste will be treated with corrective actions to resolve problem(s).

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-mail: _____

ATTACHMENT M
NOTICE OF ACTIVITY COMPLETION FORM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

To Certify Completion and Compliance with the 2024 Timber Waiver and Apply for Termination of Coverage, Monitoring, and Reporting Requirements for All Activities Requiring Notification of Completion (Categories 4-6)

All applications submitted electronically must be sent to lahontan@waterboards.ca.gov

1. Project Name:

WDID Number:

2. Date Activities Completed:

3. Landowner:

Name of individual, company, or agency:	
Phone:	E-mail address:

4. Name and Phone Number of Contact Person(s): (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
Name:	Phone/Fax/E-Mail:

5. Activity Waiver Category: (under which category did the activities proceed?)

- Category 4: Timber harvest and vegetation management activities which rely on existing roads, meet 10 criteria, and may include winter-period operations
- Category 4E Expedited Enrollment Option for Post-Wildfire Activities Which meet Category 4 Eligibility Criteria and Conditions
- Category 5: CAL FIRE – Approved Plans
- Category 6: Timber harvest and vegetation management activities that do not qualify under categories 1 – 5
- Category 6E Expedited Enrollment Option for Emergency Projects Located in a Post Fire Environment

6. Attach completed implementation monitoring form (Attachment D for Category 4 and 4E, or Attachment G for Category 5 and 6). Dischargers who completed Activities under Category 5, 6, and 6E are required to complete effectiveness monitoring (Attachment J) between March 15 and June 15 the season following completion of Activities and submit a report of such monitoring to the Water Board by July 15 the year effectiveness monitoring is completed.

For projects that included pile burning in SEZs operating under Attachment Q Item d. Option 2), submit the monitoring form substantiating Vegetative and Soil Surface Recovery of burn scars within

two growing seasons after pile burning, or documentation that burn scars have had native duff raked into them as required under Attachment Q Item d. Option 2).

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that the Activities for the above-referenced Activity were conducted in conformance with applications and submittals to the Water Board and all general conditions and category-specific conditions and criteria of the 2024 Timber Waiver, Resolution R6T-2024-[TENT], for which my project was enrolled.

Signature:

Date:

When your Activities are complete, submit a copy of this Notice of Activity Completion Form (NoAC), and, for CAL FIRE-approved plans, include a copy of the completed CAL FIRE Timber Operations Work Completion and/or Stocking Report (RM-71), signed by the CAL FIRE Director. Upon receipt of both this NoAC and the CAL FIRE-signed RM-71 (if applicable), and prior to approving or declining termination, Water Board staff will review submittals and may inspect the Activity Area. All monitoring and reporting requirements for the project will remain in effect until Water Board staff formally acknowledges termination of Timber Waiver coverage with a Notice of Termination addressed to the landowner, unless the Landowner, agent thereof, or Land Manager has specifically requested and been granted a stay of effectiveness monitoring during periods of inactivity (see discussion under "Effectiveness Monitoring" on Attachment F, Category 5 Application Form and Monitoring and Reporting Program).

ATTACHMENT N

**WASTE DISCHARGE PROHIBITION INFORMATION FOR ACTIVITIES
IN FLOODPLAINS OF THE TRUCKEE RIVER OR LITTLE TRUCKEE
RIVER HYDROLOGIC UNITS, OR STREAM ENVIRONMENT ZONES
AND FLOODPLAINS OF THE LAKE TAHOE HYDROLOGIC UNIT**

AND

**GRANTING OF A PROHIBITION EXEMPTION FOR SLASH PILING AND
BURNING IN STREAM ENVIRONMENT ZONES**

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

To protect beneficial uses and achieve water quality objectives, the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains waste discharge prohibitions applicable to the discharge of waste to lands within 100-year floodplains in the Truckee River, Little Truckee, and Lake Tahoe Hydrologic Units (HUs), and prohibitions against waste discharges in Stream Environment Zones (SEZs) in the Lake Tahoe HU. These prohibitions may apply to certain Activities conducted in these areas.

This document:

1. Provides information on applicable waste discharge prohibitions from the Basin Plan.
2. Makes findings and grants a prohibition exemption for slash piling and burning in Tahoe Basin SEZs for certain Activities.
3. Specifies the types of Activities that may proceed in 100-year floodplains and SEZs that do not violate applicable waste discharge prohibitions.

1. Basin Plan Waste Discharge Prohibitions and Exemptions

Truckee River and Little Truckee HU

100-year Floodplains

Chapter 4 (pages 4.1-16) of the Basin Plan specifies the following discharge prohibition:

"The discharge or threatened discharge, attributable to human activities, of waste to lands within the 100-year floodplain of the Truckee River, Little Truckee River, and their tributaries is prohibited."

Lake Tahoe HU

100-year Floodplains

Chapter 5 (page 5.2-1) of the Basin Plan specifies the following discharge prohibitions for activities within 100-year floodplains:

“The discharge attributable to human activities of any waste or deleterious material to land below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited.”

Stream Environment Zones

Chapter 5 (page 5.2-1) of the Basin Plan specifies the following discharge prohibitions for activities within SEZs of the Lake Tahoe HU:

- 1) “The discharge attributable to human activities of any waste or deleterious material to Stream Environment Zones (SEZs) in the Lake Tahoe HU is prohibited.”

Chapter 5 (page 5.2-2) provides that exemptions may be granted for a number of circumstances, the following of which are most applicable to Activities regulated by the the 2024 Timber Waiver (as numbered in the Basin Plan):

- 1) “For erosion control projects, habitat restoration projects, wetland rehabilitation projects, SEZ restoration projects, and similar projects, programs, and facilities, if all of the following findings can be made:
 - a) There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment below the highwater rim of Lake Tahoe, within the 100-year floodplain, or within the SEZ; and
 - b) Impacts are fully mitigated.”
- 3) “For public service facilities if all of the following findings can be made:
 - a) The project is necessary for public health, safety or environmental protection;
 - b) There is no reasonable alternative, including spans, that avoids or reduces the extent of encroachment;
 - c) The impacts are fully mitigated;
 - d) SEZ lands are restored in an amount 1.5 times the area of SEZ developed or disturbed by the project; and
 - e) Wetlands are restored in an amount at least 1.5 times the area of wetland disturbed or developed. Certain wetlands may require restoration of greater than 1.5 times the area disturbed or developed.”

- 5) “For repair or replacement of existing structures, provided that the repair or replacement does not involve the loss of additional lake habitat, or SEZ or floodplain function. Prior to granting any such exemption, the Regional Board shall require that all applicable and practicable control and mitigation measures have been incorporated into the project to minimize any discharges of wastes to surface waters during or following construction.”

According to the Basin Plan, impacts to SEZs due to erosion control projects, habitat restoration projects, wetland rehabilitation projects, or SEZ restoration projects do not need to meet the 1.5:1 restoration requirement.

2. Findings Supporting the Granting of Discharge Prohibition Exemption for SEZ Slash Piling and Burning in the Lake Tahoe HU Conducted in Accordance with Category 6 of Timber Waiver and Attachment Q

Timber Waiver enrollees may propose slash piling and burning within SEZs in the Lake Tahoe HU for the purpose of erosions control, habitat restoration, wetland rehabilitation, SEZ restoration projects, and similar projects. The Basin Plan prohibits the discharge of waste or deleterious materials within SEZs, unless the Water Board grants an exemption to this prohibition. To grant an exemption to waste discharge prohibitions in the Basin Plan, the Water Board must make findings to ensure that exemption criteria are met. The 2024 Timber Waiver Attachment Q requires Dischargers to implement specific management measures for slash piling and burning within SEZs to protect sensitive soils and water quality; these management measures are those adopted by the Water Board to meet exemption criteria for the waste discharge prohibition to SEZs.

To allow for slash piling and burning Activities under this 2024 Timber Waiver, the Water Board makes the following findings for an exemption to the Basin Plan prohibitions against the discharge of waste or deleterious materials within SEZs for erosion control projects, habitat restoration projects SEZ restoration project, and similar projects, program, and facilities based on the following exemption criteria.

a. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment within SEZ.

To reduce the threat of a catastrophic wildfire, restore forest health, or remove encroaching conifers within SEZs, proposed Activities may include the management of dead, dying, and diseased vegetation, ladder fuels, or other excessive and undesirable vegetation that lacks commercial value and may exist in locations where the relocation of such vegetative materials to locations outside of SEZs is impractical, cost prohibitive, or would potentially result in greater impacts to SEZs through the use of mechanical equipment. In these scenarios, the on-site piling and burning of vegetative matter is the only reasonable alternative to reducing biomass from SEZ to achieve the purpose of SEZ restoration and fuels reduction. Dischargers must be allowed to pile and burn slash within SEZs, or else forest health will not improve, and fuels may not otherwise be removed, thus resulting in a continued fire hazard.

For the purpose of this exemption, slash piling and burning within SEZs is limited to Activities conducted manually by hand crews, in order to reduce or avoid the extent of encroachment by vehicles and road construction into SEZs. The use of hand crews within SEZs to remove the threat of a catastrophic wildfire and improve SEZ health involves the labor-intensive piling and burning of dead and dying fuels. To effectively manage vegetation targeted for removal in SEZs, Burn Piles must be piled and later burned due to safety limitations placed on hand crews to move the slash acceptable distances outside of an SEZ. Alternately, the use of ground-based mechanical equipment to remove the slash from SEZs may result in greater impacts than pile burning, due to potential compaction and disturbance of sensitive SEZ soils.

Proposed Activities in SEZs are designed to reduce surface and ladder fuels, reduce the potential loss of riparian and SEZ habitat through catastrophic fire, and to reduce stand mortality by reducing stand density, thus reducing competition for water and nutrients and increasing resistance to drought, insect invasions, and disease. Additionally, aspen regeneration Activities in SEZ that reduce encroaching conifers in aspen stands and meadows are designed to restore riparian species dominance within these areas, and restore natural functionality within the treatment areas.

b. The impacts are fully mitigated.

Attachment Q, "Required Management Actions for Pile Burning within Stream Environment Zones to Qualify for a Basin Plan Prohibition Exemption under Timber Waiver Category 6," describes the specific management actions, which, when implemented in conjunction with the requirements of this Timber Waiver, will ensure that significant effects are avoided. No more than 15% of an acre, or SEZ/WBBZ contiguous area if smaller than one acre, can have burn scars at any time unless the scars have vegetative recovery (as defined in Attachment A). By limiting the extent of burn scars allowed within the SEZs at any given time, these requirements provide assurance that impacts are mitigated. Burn scars must have vegetative recovery (as defined in Attachment A) before any additional burning may occur. Timber Waiver Attachment Q requires that native duff, or organic mulch and seed, be raked into burn scars to a specified coverage percentage if vegetative recovery of the burn scar has not occurred within two growing seasons. This treatment can be effective in reducing erosion and accelerating native plant cover restoration following SEZ pile burning.

The 2024 Timber Waiver requires enrollees to verify that the implemented BMPs are successful in avoiding significant impacts to soil stability, soil productivity, and riparian plant growth. Results from this monitoring will be used to either support the current BMPs, or to modify them through an adaptive management strategy to provide additional protection and mitigation measures in SEZs. The Timber Waiver also requires 100 percent of the BMPs associated with all project activities be properly implemented and functional. The Timber Waiver requires enrollees to monitor the effectiveness of their BMPs and identify areas that need to be strengthened, and prescribes Forensic

Monitoring to determine the source of any impact or potential impact in order to correct the problem.

This 2024 Timber Waiver mandates that no more than 30 percent of an SEZ acre may be covered in burn piles and only 15 percent of any SEZ acre may have burn scars at any time that are not in a stage of vegetative recovery (Attachment Q). Piles need to cure and are generally burned within two or three years after being built. The piling and burning in this manner limits the overall disturbance, provides conservation of biomass, and enhances vegetative recovery.

PROHIBITION EXEMPTION GRANTED

Based on Findings made here, and the requirements of the 2024 Timber Waiver, the Water Board hereby grants an exemption to the Basin Plan prohibition for waste discharge attributable to human activities of any waste of deleterious materials to SEZs for the placement and burning of slash piles within SEZs for erosion control projects, habitat restoration projects, wetland rehabilitation projects, SEZ restoration projects, and similar projects, programs, and facilities proposed in 2024 Timber Waiver Category 6 covered Activities, as long as those Activities adhere to the requirements of Attachment Q. To comply with this SEZ prohibition exemption, the Discharger must not exceed the slash piling and burning limitations specified in these Findings and Attachment Q, and the Discharger must include applicable project information in its Category 6 application to describe that it will not exceed these limitations.

3. Activities Not Granted a Discharge Prohibition Exemption in the 2024 Timber Waiver

Activities listed below in Table N1, when conducted in compliance with the 2024 Timber Waiver and the conditions specified in Table N1, are not in conflict with the above cited waste discharge prohibitions for 100-year floodplains and SEZ and do not require the Water Board to grant exemptions. Therefore, Activities specified in Table N1 are not granted a prohibition exemption and may proceed as part of Activities authorized under this 2024 Timber Waiver without additional authorization. Proposed Activities that do not comply with the conditions in Table N1 require Discharger to request an Activity-specific exemption according to the Basin Plan.

Table N1: Timber Harvest and Vegetation Management Activities within SEZs and 100-year Floodplains in the Truckee River, Little Truckee River and Lake Tahoe Hydrologic Units (HUs) Which Do Not Violate Waste Discharge Prohibitions.

Activity	100-year Floodplains (Truckee River, Little Truckee River, and Lake Tahoe HUs)	Stream Environment Zones (Lake Tahoe HU)
1. Hand crew operations (except for slash piling and burning)	Prohibited discharges to 100-year floodplains or SEZs does not occur if activities meet the eligibility criteria and comply with the conditions of the 2024 Timber Waiver.	
2. Over-snow equipment operation (no placement of slash within SEZs or 100 year floodplains)	Prohibited discharges to 100-year floodplains or SEZs does not occur if activities meet the eligibility criteria and comply with the conditions of the 2024 Timber Waiver.	
3. Operations on existing roads	Prohibited discharges to 100-year floodplains or SEZs does not occur if activities meet the eligibility criteria and comply with the conditions of the 2024 Timber Waiver.	
4. Broadcast Burning	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of the 2024 Timber Waiver.	
5. Operation of cut-to-length equipment with less than 13 psi ground pressure on granitic soils off existing roads in SEZs and 100-year floodplains	Prohibited discharges to 100-year floodplains and SEZs does not occur if activities meet all the following conditions: a. Soils are operable (as defined in Attachment A). b. Equipment is excluded 25 feet from all waterbodies. c. Slash mats are employed to prevent direct contact of equipment tires/tracks with the ground surface, and discharge of earthen materials to surface waters. d. Eligibility criteria and conditions of the 2024 Timber Waiver are met. a.	
6. Construction and removal of temporary watercourse crossings	Prohibited discharges to 100-year floodplains do not occur if activities meet all the following conditions: a. Temporary stream crossings are constructed with clean cobbles or logs. If sand or soil is used as running surface, BMPs must be in place (e.g. filter cloth, brow logs) to prevent discharge of earthen materials to surface waters. b. Stream crossings are completely removed at the end of operations, or prior to the winter period (as defined in Attachment A), whichever is sooner.	Waste discharge in SEZs does not occur if activities meet Basin Plan Section 5.13 criteria: "Crossing of perennial streams or other wet areas shall be limited to improved crossings in accordance with the [TRPA] BMP handbook or to temporary bridge spans that can be removed upon project completion or the end of the work season, whichever is sooner, and damage to SEZ associated with a temporary crossing shall be restored within one year of removal."

Activity	100-year Floodplains (Truckee River, Little Truckee River, and Lake Tahoe HUs)	Stream Environment Zones (Lake Tahoe HU)
	c. Eligibility criteria and conditions of the 2024 Timber Waiver are met.	
7. Placement of chips or masticated material	Prohibited discharges to 100-year floodplains do not occur if activities meet a. or b., and c. below: a. Chips or masticated material is incorporated into the soil, or b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and c. Eligibility criteria and conditions of the 2024 Timber Waiver are met.	Placement of chips or masticated material does not result in prohibited discharges in SEZs if activities meet a. or b., and c. below: a. Chips or masticated material is incorporated into the soil, or b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and c. Eligibility criteria and conditions of the 2024 Timber Waiver are met.
8. Repair or replacement of permanent crossings for existing roads, when new crossing is same size as existing.	Prohibited discharges to 100-year floodplains do not occur if activities do not involve the loss of additional floodplain area or volume (Basin Plan Sections 4.1 and 5.2)	Prohibited discharges to SEZs does not occur from maintenance, repair, or replacement of an existing structure that does not result in greater land coverage (Basin Plan 5.2).
9. Waterhole Maintenance or Repair	Prohibited discharges to 100-year floodplains do not occur from maintenance or repair of an existing waterhole within the original footprint.	Prohibited discharges to SEZs does not occur from maintenance or repair of an existing waterhole within the original footprint.

ATTACHMENT P

SUMMARY OF MONITORING AND REPORTING REQUIRED FOR CATEGORIES 4, 4E, 5, 6 AND 6E

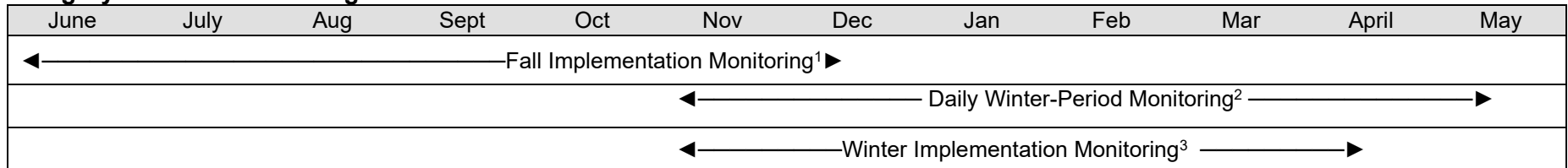
Reporting Required:

Category	Due within 48 hours of observing a discharge to any waterbody:	Due annually by July 15 for duration of activities:	Due upon completion:	Due by July 15 the year following completion of activities to be eligible for Termination of Coverage:
4	Written notification of discharge (See General Monitoring and Reporting Condition 1 (E.1))	Fall Implementation Monitoring Report (Attachment D) If required: Daily winter-period (Attachment E) and Winter Implementation (Attachment H) Monitoring Reports	Implementation Monitoring Report (Attachment D) & Activity Completion Form (Attachment M)	Not applicable
4E		Fall Implementation Monitoring Report (Attachment D) Effectiveness Monitoring and Photo Point Monitoring Report (Attachments J and L) for SEPES	Fall Implementation Monitoring Report (Attachment D) Effectiveness Monitoring and Photo Point Monitoring Report (Attachments J and L) for SEPES	If required: Effectiveness Monitoring and Photo Point Monitoring Report (Attachments J and L) for all SEPES
5		Fall Implementation Monitoring Report (Attachment G) If required: Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J)	Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M)	If required: Effectiveness Monitoring Report (Attachment J)
6		Fall Implementation Monitoring Report (Attachment G) If required: Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J) Daily winter-period monitoring report (Attachment E)	Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M)	If required: Effectiveness Monitoring Report (Attachment J)
6E		Fall Implementation Monitoring Report (Attachment G) If required: Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J) Daily winter-period monitoring report (Attachment E) and Photo Point Monitoring Report (Attachment J) for SEPES	Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M) Effectiveness Monitoring and Photo Point Monitoring Report (Attachments J and L) for SEPES	If required: Effectiveness Monitoring and Photo Point Monitoring Report (Attachments J and L) for all SEPES

Photo-point monitoring is required prior to commencement of timber harvest and vegetation management activities, and during implementation, forensic, and effectiveness monitoring for any activity that includes any of the following: (1) the construction or reconstruction of a span crossing over a watercourse, (2) the construction or reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter or (3) SEPES for Category 4E and 6E. Photo-point monitoring may also be required upon the request of Water Board staff. Please submit Attachment L with your Timber Waiver application if photo-point monitoring is required for your project.

Additional activity-specific monitoring may be imposed pursuant to California Water Code 13267.

Category 4 and 4E Monitoring:

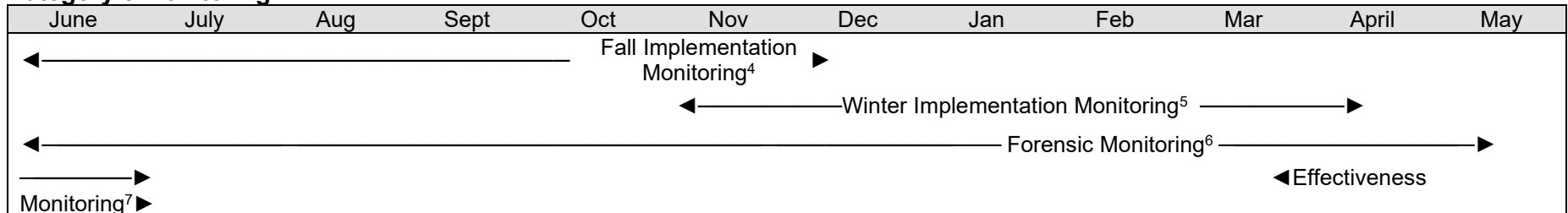


¹ Field work for implementation monitoring must be completed by November 15.

² Daily winter-period monitoring required only on days of equipment operation between November 15 and April 1 (or October 15 and May 1 in Tahoe/Truckee)

³ Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (between October 15 and May 1 for Tahoe/Truckee).

Category 5 Monitoring:



⁴ Field work for fall implementation monitoring must be completed by November 15.

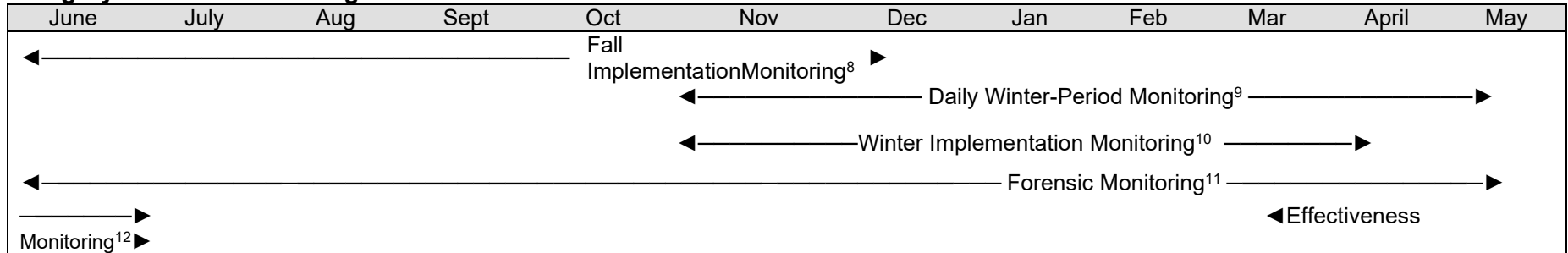
⁵ Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (between October 15 and May 1 for Tahoe/Truckee).

⁶ Forensic monitoring may occur at any time of the year after a significant rain or snow-melt event.

⁷ Effectiveness monitoring should be conducted at, or near, the end of the spring runoff, preferably between March 15 and June 15.

Note: Forensic and effectiveness monitoring is only required if one or more of the 8 conditions listed on page 2 of Attachment F exist within the activity area.

Category 6 and 6E Monitoring:



⁸ Field work for fall implementation monitoring must be completed by November 15.

⁹ Daily winter-period monitoring required only on days of equipment operation between November 15 and April 15 (between October 15 and May 1 for Tahoe/Truckee).

¹⁰ Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (after October 15 and before May 1 for Tahoe/Truckee).

¹¹ Forensic monitoring may occur at any time of the year after a significant rain or snow-melt event.

¹² Effectiveness monitoring should be conducted at, or near, the end of the spring runoff, preferably between March 15 and June 15.

Note: Forensic and effectiveness monitoring is only required if one or more of the 8 conditions listed on page 5 of Attachment K exist within the activity area.

ATTACHMENT Q
REQUIRED MANAGEMENT ACTIONS FOR PILE BURNING
WITHIN STREAM ENVIRONMENT ZONES UNDER 2024 TIMBER
WAIVER CATEGORY 6

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

Activities that involve Pile Burning in SEZs under Category 6 of the 2024 Timber Waiver must meet the following requirements. These requirements have been designed to meet Basin Plan exemption criteria required to grant an exemption to waste discharge prohibition for Activities that include slash piles burning within SEZs for erosion control projects, habitat restoration projects, wetland rehabilitation projects, SEZ restoration projects, and similar projects, programs, and facilities.

For Pile Burning within an SEZ, complying with the requirements below is a condition of eligibility for the exemption, provided in Attachment N, from the Basin Plan Prohibition against the discharge, or threatened discharge, attributable to human activities of any waste or to SEZs in the Lake Tahoe Basin. Dischargers who cannot meet these requirements are not covered under the Basin Plan Prohibition Exemption granted in Attachment N of this 2024 Timber Waiver and must apply for a separate Basin Plan prohibition exemption.

SEZ Requirements:

- a. Active ignition of broadcast burns must not occur within an SEZ
- b. Burn piles must not be located within 25 feet of any Waterbody.
- c. No more than 30% of any acre SEZ acre, or smaller contiguous SEZ area, may be occupied with piles.
- d. No more than 15% of any SEZ acre, or other contiguous SEZ area which is less than one acre, can have burn scars at any time which do not have vegetative and surface cover recovery, as defined in Attachment A (i.e., not invasive weeds).
- e. All burn scars must either 1) have native duff, or organic mulch and seed raked into the scar to a minimum 85% soil surface coverage as soon as the burn is completely extinguished, or 2) have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage if the scar does not display Vegetative and Soil Surface Recovery (as defined in Attachment A) within two growing seasons following the burn.

Duff or mulch/seed raking is intended to facilitate vegetative recovery of the site, limit the opportunity for invasive species re-colonization of the impacted area, increase natural infiltration, and prevent soil erosion. Project implementers that elect option 2) must monitor burn scars and report on Vegetative and Soil Surface Recovery using Timber Waiver

- monitoring and reporting forms until Vegetative and Soil Surface Recovery is determined to be adequate by the Water Board Executive Officer.
- f. Burn scars that exceed either a 25-foot diameter or 500 contiguous square feet shall have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage. The duff or mulch/seed raking is intended to facilitate vegetative recovery of the site, limit the opportunity for invasive species re-colonization of the impacted area, increase natural infiltration, and prevent soil erosion.
 - g. All burn scar raking, whether under option 1) in d. above, or to address large burn scars in e. above, must occur as soon as the burn is completely extinguished. In the event the burn scar and surrounding ground is covered by ice or snow, the required raking must occur by June 1 following the burning.
 - h. After initial ignition of piles, but while still burning, allow each pile to be re-piled once (i.e., place large unburned pieces back into the burning pile). Additional re-piling will be allowed if necessary to achieve 80% consumption of the piled material.
 - i. When piles are adjacent to aspen trees, re-piling during pile burning must be restricted to one time per pile and hot piling (i.e., don't feed one pile with the material from other piles or ground material) is prohibited.
 - j. Areas burned within SEZs and WBBZs must be left in a condition such that waste, including ash, soils, and/or debris, will not discharge to a waterbody.

The following section contains recommendations that are meant to aid project implementers seeking additional example design features for piling and burning in SEZs.

Recommendations:

1. When piling the material, distribute the large wood component (> 9 inch diameter logs) so each pile contains less than 40%, by volume, large wood. A smaller volume of large wood component typically will result in lower burn temperatures and shorter burn durations, thereby minimizing adverse effects to the underlying soil.
2. Prior to pile construction, rake native duff away from the area where the pile will be constructed so that it can be raked back onto the burn scar after burning. This action is intended to ensure that sufficient native duff is available to cover the burn scar after the pile, and any adjacent area that may be subject to fire creep, has been burned.
3. Place piles in a non-linear pattern in each unit where possible.
4. Maximize the distance between piles to the extent feasible, maintaining approximately 20 feet average spacing between piles.
5. Burn or remove piles as soon as possible, giving preference to those piles within SEZs.
6. Allow fire to creep between piles and into these buffers, maintaining flame lengths of less than 2 feet in height except where sensitive plant occurrences, wetlands, and noxious or invasive terrestrial plants are present.

ATTACHMENT R

MATERIAL CHANGE AND AMENDMENT FORM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

All information is required.

All forms submitted electronically must be sent to lahontan@waterboards.ca.gov

This form will serve as a means for documenting material changes and amendments from application materials submitted by the enrollee.

Material Change

Pursuant to Water Code section 13267 subdivision (b) and Water Code section 13269 subdivision (a), any proposed material change to the activities proceeding under the Timber Waiver must be reported to Water Board staff in writing. All proposed material changes must receive written acceptance by Water Board staff prior to the implementation of any such change. All proposed material changes must receive written acceptance by Water Board staff prior to the implementation of any such change. Material changes include, but are not limited to:

- a) Change of project location or increase in size;
- b) The addition of winter period operations;
- c) Relocation or addition of Temporary, Permanent or Skid Trail Watercourse Crossings that would require additional management practices to avoid adverse effects to the quality of waters of the state not previously documented in a complete application; (excluding Skid Trail Watercourse Crossings of Class III or IV which are dry at the time of use)
- d) Addition or relocation of roads, landings, or skid trails into a WBBZ, SEZ, or 100-year floodplain;
- e) The increase of physical extent of any previously mapped waterbodies; or
- f) Change in project Activities that requires the Water Board Executive Officer to grant an exemption to Waste Discharge Prohibitions contained in the Basin Plan.

Any proposed material change to a project that does not result in a change in qualification under this waiver to a higher Category (e.g., Category 4 to Category 6) must be reported to the Water Board prior to implementation using this form. Material changes to Category 6 projects must be reported to the Water Board prior to implementation using this form and shall not proceed until Water Board staff provide written notice to the Discharger that the Material Change is accepted.

Any proposed material change to a project that results in a change in qualification under this waiver to a higher category (e.g., Category 2 to 4, or Category 4 to 6) must follow the notification requirements as if it was a new application.

A report of waste discharge must be filed with the Water Board pursuant to Water Code section 13260 for any proposed material change to the activities proceeding under the Timber Waiver that would result in ineligibility for Timber Waiver coverage.

Amendments

Project modifications that do not result in a material change as described above (General Monitoring and Reporting Conditions 6 (E.6)) are considered amendments. Amendments must be submitted to Water Board staff within 15 days of written request and must be documented and submitted to Water Board with annual monitoring reports using this form.

Amendment Definition: means a modification to Activities, that are not considered a material change according to General Monitoring and Reporting Condition 4 (E.4), that results in the need to modify information provided in a complete application. Amendments must be furnished to Water Board staff within 15 days of written notice and must be documented using Attachment R and submitted with annual monitoring report submittal.

Material Change Form

This form will serve as a means for documenting material changes from application materials submitted by the enrollee. This form must be electronically submitted to lahontan@waterboards.ca.gov.

Only material changes which do not result in a change in Activity Category shall be documented using this form; if a proposed change elevates a project category (from Cat 4 to Cat 6) a Category 6 Application shall be submitted to document the revised scope of work. This Material Change Form applies to all Timber Waiver notifying categories (Categories 4-6).

Specific mitigation to prevent adverse effects to water quality must be addressed for material changes posing a threat to water quality, for features not covered in previously submitted mitigation plans. Please specifically reference where mitigation for proposed changes is addressed within existing plans, or provide new mitigation efforts addressing material changes in the space provided below.

All proposed material changes must receive **written acceptance** by Water Board staff prior to the implementation of any such change.

1. **Activity Name:**

2. **WDID Number:**

3. **Activity Waiver Category**

4. **Name and Phone Number of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
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5. **Approved CAL FIRE plan (if applicable)**

For amendments and substantial deviations associated with an approved CAL FIRE Plan, please reference the amendment/Substantial Deviation harvest document here. After providing this reference, you are not required to complete Section 6 below.	
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If information requested in this form is included in existing documents or plans those documents may be used to substitute for information specifically requested in this form. These documents must be submitted to the Water Board and specifically referenced (by page number) within this form.

6. Description of Materials Change(s) being submitted: Provide an explanation of the project modifications from the accepted application and attach and reference supporting documentation (maps, figures, etc.) as needed.

9. Mitigation Measures for Material Changes (if applicable): Please describe any management practices included for material changes posing a new threat to water quality. If management practices submitted previously address the proposed material changes, please reference page and section numbers of the original application.

8. Identification of Replaced Components: Identify all components of the original application that are being replaced by the above material changes included above. Please reference page and section numbers of the original application.

9. Photographs (As applicable): Attach photographs or a photo log with caption(s) as appropriate. If needed, a description of included photographs can be provided below. Please describe any mitigation measures included below.

10. Certification

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby confirm that planned activities described above meet the conditions and eligibility criteria of either Category 4, 5 or 6 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (2024 Timber Waiver), Resolution R6T-2024-TENT.

Signature:	Date:
Printed Name & Title:	Number:
Phone/Fax/E-Mail:	

Amendment Form

This form will serve as a means for documenting amendment submittals. This form must be electronically submitted to lahontan@waterboards.ca.gov.

Amendments must be submitted to Water Board staff within 10 days of written request and must be documented and submitted to Water Board with annual monitoring reports using this form.

This Amendment Form applies to all Timber Waiver notifying categories (Categories 4-6). Water Board staff may request amendments that have occurred on the project when performing an inspection.

1. **Activity/ Plan Name:**

2. **WDID Number:**

3. **Activity Waiver Category**

4. **Name and Phone Number of Contact Person(s):** (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
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5. **Description of Amendment being submitted:** Provide an explanation of the project modifications from the accepted application and attach reference supporting documentation (maps, figures, etc.) as needed. If information requested in this form is included in existing documents or plans those documents may be used to substitute for information specifically requested in this form. These documents must be submitted to the Water Board and specifically referenced (by page number) within this form.

Amendment 1:

Map point ID	
Amendment Description: Include specific part of the application being changed. Please reference specific application section number as it refers to the originally submitted application. Example: Cat 4 application section 7.	
Affected area	
Date initiated	
Date completed	

Amendment 2 (if applicable):

Map point ID	
Amendment Description: Include specific part of the application being changed. Please reference specific application section number as it refers to the originally submitted application.	

Affected area	
Date initiated	
Date completed	

Amendment 3 (if applicable):

Map point ID	
Amendment Description: Include specific part of the application being changed. Please reference specific application section number as it refers to the originally submitted application.	
Affected area	
Date initiated	
Date completed	

Amendment 4 (if applicable):

Map point ID	
Amendment Description: Include specific part of the application being changed. Please reference specific application section number as it refers to the originally submitted application.	
Affected area	
Date initiated	
Date completed	

6. Certification

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby confirm that planned activities described above meet the conditions and eligibility criteria of either Category 4, 5 or 6 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (2024 Timber Waiver), Resolution R6T-2024-TENT.

Signature:	Date:
Printed Name & Title:	Number:
Phone/Fax/E-Mail:	

ATTACHMENT S

EXPEDITED ENROLLMENT NOTIFICATION FORM

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

All information is required.

All applications submitted electronically must be sent to lahontan@waterboards.ca.gov

Expedited enrollment is optional for Emergency Activities planned in post-wildfire environments. Applicants using expedited enrollment may begin work upon submittal of this form and are subject to additional requirements to mitigate water quality impacts and additional monitoring of mitigation measures as well as locations which may require additional mitigation. Applicants who enroll projects using the standard (non-expedited) application process are not subject to these additional requirements; please allow for a 30 day processing period for complete Category 4 and 6 applications. This form will serve as a notification that applicants plan to use expedited enrollment pathways for either Category 4E or Category 6E.

Category 4E: Upland projects performed under an accepted CAL FIRE Emergency Notice for Post Fire Salvage that meet the criteria and conditions of Category 4.

Category 6E: Projects performed under an accepted CAL FIRE Emergency Notice for Post Fire Salvage which meet Category 6 requirements.

Requirements of Expedited Enrollment:

- Completion of this form,
- Submittal of a complete Category 4 or 6 application within 30 days of the notification submittal, and;
- Submittal of the Significant Existing and Potential Erosion Sites (SEPES) Table (Attachment T) with the complete project application (see Attachment T for information regarding SEPES).
- Treatment of SEPES is required if SEPES are impacted by Activities
- Category 4E and 6E Monitoring and Reporting Conditions (F.4E.3 and F.6E.3, respectively).
- Prohibitions prior to Notice of Applicability (NOA) of complete application for Category 6 are found in Category 6E conditions and below in Section 8 of this form.

1. Activity Name:

CAL FIRE Emergency Notice Number: (If a CAL FIRE number is not available or applicable (Federal lands), but the activity will proceed under an emergency, please state "CAL FIRE Emergency" in this box.)

CAL FIRE Emergency Notice Acceptance Date:

County:

2. Landowner's Contact Information: (If there is more than one landowner, list their contact information in an addendum to this form.)

Name of individual, company, or agency:		
Company or agency contact:		
Address:		
City:	State:	Zip Code:

Phone/Fax:	E-mail address:
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3. Name and Phone Number of Contact Person(s): (List the primary person(s) supervising/implementing on-site operations.)

Name:	Phone/Fax/E-Mail:
Name:	Phone/Fax/E-Mail:

4. Summary of Activity Information:

Total Activity Area Size (in acres):	Total Emergency Notice Area Size (in acres):
Highest elevation within Activity Area (in feet):	Lowest elevation within Activity Area (in feet):
Latitude and Longitude (in decimal degrees) of the Emergency Notice area approximate center:	
Indicate classification of watercourses and waterbodies present within Activity Area	

5. Map of Activity Area: To complete this notification, include a USGS 7.5 minute topographic (or equivalent or greater scale) map that clearly indicates all of the information listed below.

- a. The activity area boundary (Map of Activity Area).
- b. The Emergency Notice area boundary.
- c. The relative location of the activity to a nearby city, town, or landmark as a Site Location Map or narrative description included on Map of Activity Area.

6. Timber Waiver Category Eligibility

Please review Category 4 Eligibility Criteria (F.4.1) to determine if this Activity is eligible for Category 4 Expedited Enrollment (4E) coverage.

Is this Activity eligible for Category 4 Expedited Enrollment (4E)? (Select Yes or No below)

Yes,
I responded "No" to all Eligibility Criteria in F.4.1.

This project meets the eligibility criteria for category 4E.

No,
I responded "Yes" to at least one of the Eligibility Criteria in F.4.1.

This project meets the eligibility criteria for category 6E and will not perform additional Category 6E prohibited activities until application acceptance.

Confirm Timber Waiver Category for this project (4E or 6E):

7. Project Description: Please either provide a project description below, or reference a project description in materials attached to this application. Please reference specific page numbers and sections.

8. Prohibitions Prior to NOA for Category 6 Application:

- Construction of Landings in a WBBZ,
- Ground-based Equipment operation within SEZs in the Lake Tahoe HU and 100-Year Floodplains of the Truckee River, Little Truckee River, and Lake Tahoe HUs, and
- Activities that occur or within or affect known landslides or Unstable Areas; areas of high or extreme EHR; Overflow Channels, flood prone areas, and riparian areas; or aquatic or Wetland habitat.

Monitoring and Reporting Program

Pursuant to Water Code section 13267, visual monitoring and annual reporting are required for all activities that proceed under Category 4E or 6E of the Timber Waiver. Category 4 and 6 Monitoring and Reporting Requirements (F.4.3 and F.6.3) apply to 4E and 6E Activities in addition to the Category 4E and 6E Monitoring and Reporting Requirements (F.4E.3 and F.6E.3).

Implementation Monitoring:

Fall Implementation Monitoring: Review Attachment D for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **July 15**. A “final compliance report” or “work completion report” inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by July 15.

Daily Winter-Period Monitoring: Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by **July 15**.

Winter Implementation Monitoring: Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

Effectiveness Monitoring: Review Attachment J for monitoring required at the end of the winter period each year. This monitoring must be reported to the Water Board by **July 15**.

Forensic Monitoring (Category 6E Only): Review Attachment I for monitoring required after significant rain events. This monitoring must be reported to the Water Board by **July 15** of each year.

Photo-Point Monitoring:

Photo-point monitoring is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during application review, agency consultation, or site visit). Please submit Attachment L with your application if you check any of the following boxes:

- Construction or Reconstruction of a bridge crossing over a watercourse
- Construction or Reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

Certification:

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby confirm that planned activities described above meet the conditions and eligibility criteria of either Category 4 or Category 6 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (2024 Timber Waiver), Resolution R6T-2024-[TENT].

Signature:	Date:
Printed Name & Title:	Number:
Phone/Fax/E-Mail:	

ATTACHMENT T

SIGNIFICANT EXISTING OR POTENTIAL EROSION SITES (SEPES) TABLE

[Tentative] Conditional Waiver of Waste Discharge Requirements from Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region

Significant Existing or Potential Erosion Sites (SEPES) Table and Instructions

Activity Name:

ID ¹	GPS Coord ²	Erosion Type ³	Nearest Waterbody ⁴		Site Description	Existing Sediment discharge (yd ³) ⁶	Potential Sediment discharge (yd ³) ⁷	Proposed Treatment and/or implementation Priority (H, M, L, N, IL) ⁸
			Type and WC Class ⁵	Dist. (ft)				

¹ Unique crossing ID created by Discharger for mapping purposes

² GPS coordinates in decimal degrees

³ List all erosion types present as follows: (R) Road, (LD) Landing Drainage, (WC) Watercourse Crossing, (UA) Unstable Areas, (CI) Channel Initiation, (G) Gullyng, (OTH) Other

⁴ Nearest waterbody from the site with potential impacts.

⁵ Waterbody type as follows: Lake, Pond, Spring, Wetland, Watercourse, etc. – Watercourse (WC) Class as follows: Class I, Class II, Class III, Class IV, and Unclassified.

⁶ Provide an estimate of **existing erosion** discharge

⁷ Provide an estimate of **potential** erosion discharge

⁸ Default prioritization key is as follows: High (H) – Treat prior to upcoming winter period, Medium (M) – Treat within 365 days from 2024 Timber Waiver Enrollment, Low (L) – Treat prior to termination of Timber Waiver coverage, None (N) – No treatment proposed (include explanation why no treatment), In Lieu (IL) – Provide alternate side ID (from table) to be used as In Lieu treatment, attach additional pages if needed to describe water quality benefits of proposed In Lieu treatment.

I, the Landowner, Agent thereof, hereby certify under penalty of perjury that this form and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (2024 Timber Waiver), Resolution R6T-2024-[TENT].

Signature:

Date:

Instructions for Identifying SEPES and Completing SEPES Table

SEPES (as defined in Attachment A) can occur on or adjacent to roads and watercourse crossings, as well as other features within the Activity Area. SEPES means a location where soil erosion is currently, or there are visible physical conditions to indicate soil erosion may be in the future, discharged to watercourses or lakes in quantities that violate a water quality objective (narrative or numeric), prohibition, Total Maximum Daily Load implementation plan, policy, or other requirement contained in a water quality control plan adopted by the Water Board and approved by the State Water Board, or a location where soil erosion may result in significant individual or cumulative adverse impacts to the beneficial uses of water. The Discharger is responsible for identifying and describing SEPES in the SEPES Table and implementing timely and effective SEPES Treatment.

Guidance for Documenting SEPES on the SEPES Table

The SEPES Table is intended to support Dischargers in prioritizing treatment of SEPES within an Activity Area. For the 2024 Timber Waiver, all the following must apply for a feature to be included in the SEPES Table:

1. An erosion feature is present or will likely become established within the Activity Area
2. The existing or potential erosion feature interacts or may potentially interact with an existing or planned manmade feature associated with the Activity
3. The erosion feature has delivered or will potentially deliver at least 5 cubic yards (yds³) of sediment to a Waterbody.

Note: This guidance is intended to support Discharger compliance with timely and effective SEPES treatment by way of the SEPES Table completion and prioritize the greatest threats to water quality. Evaluations by Water Board staff may identify additional SEPES that require inclusion in the SEPES Table. Erosion sites which do not meet the criteria for inclusion on the SEPES Table may still be considered a SEPES according to the definition of SEPES (located in Attachment A) and require treatment. Erosion sites which do not meet the definition of a SEPES will require treatment if those sites discharge or threaten to discharge waste to a Waterbody.

Indicators of SEPES on the Existing Road Network

The California Code of Regulations, title 14, Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings (1st Edition), Section B, Indicators of Significant Existing or Potential Problems, states the following:

Indicators of significant existing or potential problems with the existing road drainage conditions include, but are not limited to:

- Evidence of direct sediment entry into a watercourse or a flood prone area from road surfaces or drainage structures and facilities (e.g., ponded sediment, sediment deposits, delivery of turbid runoff from drainage structures during rainfall events).
- Ditch scour or downcutting resulting from excessively long undrained ditches with infrequent ditch drain (relief) culverts or other outlet structures or facilities. This condition can also result from design inadequacies (e.g., spacing not altered for steep ditch gradient), inadequate erosion prevention practices (e.g., lack of armoring), or ditches located in areas of erodible soils.
- Gullies or other evidence of erosion on road surfaces or below the outlets of road drainage facilities or structures, including ditch drain (relief) culverts, with transport or a high likelihood of transport to a watercourse.

Additionally, if a road and/or ditch runoff is hydrologically connected to a watercourse, the following factors elevate the risk of sediment delivery to a watercourse:

- Existing or high potential for cutbank sloughing or erosion into inside ditches.
- Native-surfaced road exhibiting erosion.
- Native-surfaced road composed of erodible soil types (e.g., granitic soils).
- Rilled, gullied, or rutted road approaches to crossings.
- Existing ditch drain (relief) culverts or other road drainage structures with significant plugging from sediment and/or small woody debris.
- Existing ditch drain (relief) culverts or other road drainage structures with decreased capacity due to damage or impairment (e.g., crushed or bent inlets, flattened dips due to road grading).
- Decreased structural integrity of ditch drain (relief) culverts, waterbreaks, or other road

drainage structures (e.g., excessive culvert corrosion, breached waterbreaks, or rutted road segments).

Guidance for identifying SEPES in the Post-Fire Environment

The Discharger shall evaluate SEPES in the post-fire environment considering the factors listed below that elevate the risk of sediment delivery to watercourses. The intent of this guidance is to support the identification of existing or potential erosional features in a post-fire environment (e.g., landslides, debris flows, significant gully networks, channel initiation and other mass wasting features) within the Activity Area that have the potential to discharge waste to Waterbodies. Evidence of SEPES in the post-fire environment may include the following:

- Increased runoff and associated sediment/debris in high/moderate burn severity areas originating at mid to upper, convergent slope within the Activity Area; or in areas outside the Activity Area that contribute increased runoff to watercourse crossings and drainage structures within the fire salvage area or to appurtenant roads.
- Rilling and gullying along existing or proposed skid trails and water bars within the Activity Area that have potential for sediment delivery to a watercourse;
- Existing watercourse crossings, particularly those with a structure (i.e. culvert, bridge), that are now undersized and at an elevated risk of failure due to any of the bulleted items listed above.

SEPES Table. Erosion Site Table for Significant Existing or Potential Erosion Sites and New Watercourse Crossings

The SEPES Table shall be completed if SEPES have been identified in the Category 4E or Category 6E Activity Area. The Discharger shall amend the Erosion Site Table when conditions or management objectives change.

- ID: Create a unique identification number for each SEPES site or new watercourse crossing construction. ID may include some portion of the Emergency Number or Section for easy identification and tracking.
- GPS Coordinates (Optional): Submit for each SEPES site or new crossing the GPS coordinates in decimal degrees.
- New Watercourse Crossing: Indicate whether site is new watercourse crossing construction (i.e. road construction with new watercourse crossings). If a new watercourse crossing, skip Erosion Feature Type and Description (shaded boxes) and fill out Proposed Treatment and Implementation Priority.
- Erosion Feature Type and Description: For each SEPES site, check the erosion type that best describes the feature - road (R), landing (LD), watercourse crossing (WC), landslide (L), channel initiation (CI), gullying (G), or other (OTH).
- If the SEPES site is at a watercourse crossing, check WC under Erosion Type and include the following minimum information under Site Description:
 - Crossing Type (i.e. culvert, bridge, Humboldt) and size;
 - Indicate whether there is diversion potential at the crossing. If there is diversion potential, address under "Proposed Treatment";
 - Describe the condition of the existing crossing (e.g., culvert plugged, culvert damaged (melted, inlet/outlet crushed, etc.), culvert undersized, culvert outlet shotgunned, log stringer bridge damaged/ burned, fish passage issue, erosional issue of fill, etc.).
- If the SEPES site is associated with a road, landing, landslide, channel initiation, or gullying, include a description of issue and current condition.
- Indicate the watercourse classification affected/potentially affected (I, II, II-S, II-L, or III).

Existing and Potential Sediment Discharge

Provide an estimate of existing (past) and potential (future) sediment discharge at each SEPES site from ocular estimates or taped measurements in feet of Width, Depth, and Length and convert to cubic yards.

$$(Length (feet) \times Width (feet) \times Depth (feet)) / 27 = approximate fill volume (cubic yards (yds^3))$$

Discharge volumes should be estimated based on the percent of total volume of sediment that delivered/or may deliver to a watercourse. Potential erosion sites can also have no delivery to date but may have the potential to discharge in the future. Examples are as follows:

- A 100 yds³ landing failure has delivered approximately 75% of the total volume of the feature to a watercourse. Total existing erosion = 75 yds³. Poor road drainage continues to saturate the landing fill material and there is visual evidence (tension cracks and slumping) that an additional 25 yds³ may fail and deliver to the watercourse below. Total potential erosion and sediment delivery = 25 yds³.
- A gully originating from poor road drainage delivers directly into a watercourse. The dimensions of the feature and volumetric calculation are approximately (1(ft) x 1(ft) x 500 (ft))/27 = 18 yds³. Total existing erosion = 18 yds³. If hydrologic connectivity is not addressed, it may be reasonable to assume that potential/future erosion at this site may be equal to or greater than the past erosion volume. Total potential erosion and sediment delivery ≥ 18 yds³.
- A watercourse crossing has a 24" culvert that is approximately 50% plugged with sediment. There is evidence that the pipe has overtopped resulting in approximately 5 yds³ of crossing failure at the base of the fill and outlet of the pipe. Total existing erosion = 5 yds³. The total volume of the crossing is 100 yds³. Pipe calculations for the drainage area above the crossing indicate that a 48" culvert is the appropriate size for this location. Considering the current condition and size of the existing pipe, and past evidence of overtopping and erosion, it is reasonable to assume that this crossing may fail if left untreated. Total potential erosion and sediment delivery = 95 yds³.
- Following a wildfire, an undersized and damaged culverted watercourse crossing is evaluated as part of the evaluation for the SEPES Table. Field observations indicate that the crossing may be at risk of failure based on the following factors: the large drainage area and increased run-off rates above the crossing; the burn severity or EHR upslope of the crossing; increased amounts of debris or sediment in the channel; increased risk from debris slides or debris torrents originating from channel incision, unstable areas, or channel initiation in headwall swales. There is no evidence of past erosion. Total existing erosion = 0 yds³. The approximate volume of fill is 50 yds³. Given a combination of above factors, the RPF determines that the likelihood of failure at this crossing is high during the first winter period following the fire. It is assumed that the entire crossing volume may fail. Total potential erosion and sediment delivery = 50 yds³.

Proposed Treatment and Implementation Priority:

Describe the proposed treatment and/or crossing design and the timeline for implementation (if different or more detailed than the "Treatment Priority" options below). Include information regarding crossing type/size, road approaches, road surfacing, armoring, etc. Attach 100-year calculations to Table 1 for new/reconstructed crossings as applicable.

Treatment Priority - Default prioritization key is as follows:

- High (H) – Treat prior to the upcoming winter period,
- Medium (M) – Treat prior to Emergency expiration (within 365 days from Notice acceptance),
- Low (L) – Treat prior to termination of Order coverage,
- None (N) – No treatment proposed (include explanation why no treatment).

*An alternative treatment prioritization key may be developed and proposed by the Discharger and must be clearly labelled on Table 1.

In Lieu SEPES Treatment:

As defined in Attachment A, In lieu SEPES Treatment means treatment of a SEPES not impacted by Activities in lieu of a SEPES impacted by Activities. Proposed In Lieu SEPES Treatment may be inside or outside of the Activity Area and must not potentially be impacted by Activities. Dischargers with Activities enrolled under Category 6E may propose In Lieu SEPES Treatment at locations which are either inside or outside of the Activity Area and not impacted by Activities. Proposals for In Lieu SEPES Treatment must satisfy all the following requirements:

- F.6E.2.7.1** A summary of SEPES proposed for no treatment and the In Lieu SEPES proposed for treatment, including quantitative estimates of existing and potential erosion discharge,
- F.6E.2.7.2** A summary of the SEPES setting relative to current and anticipated future land use,
- F.6E.2.7.3** A summary of each receiving Waterbody and downstream receiving Waterbodies, and

- F.6E.2.7.4** A summary of the anticipated water quality benefits of the proposed in lieu mitigation that considers the quantities of potential discharges and beneficial uses of receiving waters.

Examples of In Lieu SEPES Treatment Proposals

Example 1: An Activity Area contains a historical landing where no Activities are planned by the Discharger and a 100 yds³ Landing failure has delivered approximately 75% of the total volume of the feature to a Watercourse at this location. Historical Skid Trails uphill of this Landing (within the planned Activity Area) exhibit gully erosion and 10 yds³ of sediment have eroded and delivered to the same Watercourse impacted by the historical Landing, another 10 yds³ have potential to erode and deliver to this Watercourse.

- Historical Landing total existing erosion: 75 yds³.
- Observed conditions: Poor road drainage continues to saturate the landing fill material and there is visual evidence (tension cracks and slumping) of potential erosion
- Historical Landing potential erosion: 25 yds³ may fail and deliver to the watercourse below.
- Historical Landing total potential erosion and sediment delivery = 25 yds³.
- Skid Trail total existing erosion: 10 yds³
- Skid Trail total potential erosion: 10 yds³

The In Lieu SEPES Treatment Proposal indicates treatment of the historical Landing in lieu of treatment of the Skid Trail SEPES and provides the quantities listed above. The In Lieu SEPES Treatment Proposal and application indicate the entire property will be reforested upon completion of salvage harvest Activities, including the Activity Area and the historical Landing location. The Discharger provides one description of the receiving Watercourse and downstream receiving Waterbodies because both SEPES deliver to the same Watercourse and the Watercourse classification is the same at both sites. The Discharger cites a water quality benefit to this Watercourse and downstream receiving Watercourses because the total of existing and potential erosion quantities (20 yds³) at the Skid Trail location is less than the potential erosion quantity (25 yds³) at the historical Landing Location. The Discharger also indicates that standard stabilization of Skid Trails within the Activity Area will likely reduce the quantity of potential erosion at the historical Skid Trail Erosion SEPES described above and provide an added water quality benefit.

Water Board Evaluation of Example 1 In Lieu SEPES Treatment Proposal:

The summary of this proposal contains each the required elements of Section F.6E.2.7 of the 2024 Timber Waiver and would be accepted on the following basis:

- Each SEPES is described according to instructions: the Discharger quantified existing and potential erosion for each site
- The Discharger described setting and future land use of each site
- Both sites discharge to the same Watercourse and the Watercourse classification is the same at both locations
- The water quality benefit of the In Lieu SEPES Treatment Proposal is quantifiable, standard stabilization measures will be implemented at the Skid Trail location which will likely further reduce sediment discharge to this Class III Watercourse.

Example 2: An Agent is preparing a single application for several parcels impacted by wildfire. A Watercourse crossing on the Activity Area access road (which is privately owned by a landowner represented by the Agent) is located outside of the Activity Area boundary. This Permanent Watercourse Crossing of a Class II Watercourse (SEPES Location 1) has a 24" culvert that is approximately 50% plugged with sediment. Aquatic vegetation and frogs are observed and noted by the Agent at this location and indicates an average channel gradient of 5%. This location was not impacted by wildfire, is currently forested, and no change in land use is indicated. There is evidence that the pipe has overtopped resulting in approximately 5 yds³ of crossing failure at the base of the fill and outlet of the pipe. Total existing erosion = 5 yds³. The total volume of the crossing fill is 100 yds³. Pipe calculations for the drainage area above the crossing indicate that a 48" culvert is a more appropriate size for this location. Considering the current condition and size of the existing pipe, and past evidence of overtopping and erosion, it is reasonable to assume that this crossing may fail if left untreated. Total potential erosion and sediment delivery = 95 yds³.

Further up the slope within the Activity Area, a gully originating from inadequate road drainage delivers directly into a Class III Watercourse (SEPES Location 2) which flows into the Class II

Watercourse referenced in Location 1. The RPF notes an absence of aquatic vegetation and aquatic life in this Class III Watercourse and indicates an average channel gradient of 15%. This portion of the Activity Area was impacted by wildfire and is indicated for reforestation. The dimensions of the feature and volumetric calculation are approximately $(1(\text{ft}) \times 1(\text{ft}) \times 500(\text{ft}))/27 = 18 \text{ yds}^3$. Total existing erosion = 18 yds^3 . If hydrologic connectivity is not addressed, it may be reasonable to assume that potential/future erosion at this site may be equal to or greater than the past erosion volume. Total potential erosion and sediment delivery $\geq 18 \text{ yds}^3$.

- Location 1 existing erosion: 5 yds^3
- Location 1 potential erosion: 95 yds^3
- Location 1 setting: Class II Watercourse, 24" culvert is 50% plugged with sediment
- Location 2 existing erosion: 18 yds^3
- Location 2 potential erosion: $\geq 18 \text{ yds}^3$
- Location 2 setting: Class III Watercourse receives water from road drainage ditch

The In Lieu SEPES Treatment Proposal indicates treatment of Location 1 in lieu of treatment of Location 2 and provides in quantities and information listed above. The application indicates reforestation within the Activity Area after Activities conclude and describes the receiving waters at each location. The Discharger cites two water quality benefits in the In Lieu SEPES Treatment Proposal: a smaller volume of sediment may potentially be discharged if/when the culvert at Location 1 fails, and greater number of beneficial uses of the Class II Watercourse at Location 1.

Water Board Evaluation of Example 2 In Lieu SEPES Treatment Proposal:

The summary of this proposal contains each the required elements of Section F.6E.2.7 of the 2024 Timber Waiver and would be accepted on the following basis:

- Each SEPES is described according to instructions: the Discharger has quantified existing and potential erosion for each site
- The Discharger described setting and future land use of each site
- Each Watercourse is described, these Watercourses are within a common watershed
- The water quality benefit of the In Lieu SEPES Treatment Proposal is quantifiable, Location 1 has the potential to discharge a greater volume of sediment than Location 2. Additionally, the classification and descriptions of each Watercourse indicate a greater number of beneficial uses at Location 1 than Location 2.