

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

**BOARD ORDER NO. R6-2024-0035  
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 the 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. 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.

## **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 in a manner inconsistent with the General and Category-Specific Conditions of this 2024 Timber Waiver.
- D.2** Activities must not have significant impacts such as those identified in documents prepared to comply with the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), or Tahoe Regional Planning Agency (TRPA).
- 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 by 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** Temporary Roads, Permanent Roads, and Skid Trails (as defined in Attachment A) used by Ground-Based Equipment must be Hydrologically Disconnected (as defined in Attachment A) 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 waste discharge 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, sawdust, chipped material, and masticated material must not be discharged to Waterbodies or be deposited in locations where such material may discharge to a Waterbody in quantities that adversely affect beneficial uses. For Categories 1, 2, 3, 4, and 6, 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.
- D.14** Skid Trail Watercourse Crossings (as Defined in Attachment A) used or constructed during Activities must satisfy the following:
- D.14.1** All Skid Trail Watercourse Crossings must be identified on maps as follows:
- D.14.1.1** Skid Trail Watercourse Crossings on Class I and Class II Watercourses must be included in each complete Project application (for Categories 4, 5 and 6).
- D.14.1.2** Skid Trail Watercourse Crossings on Class III Watercourses must be identified on maps either:

- D.14.1.2.1** In a complete application,
  - D.14.1.2.2** As one or more Amendments using Attachment R, or
  - D.14.1.2.3** Upon Water Board notice consistent with Monitoring and Reporting Condition E.3.
- 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 present within a Watercourse,
- 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 Skid Trail Watercourse Crossing locations,
- D.14.6** 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.14.7** Skid Trail Watercourse Crossings proposed for use during the Winter Period must:
  - D.14.7.1** Be removed if the National Weather Service forecast for the Activity Area presents a risk of flow diversion from the Watercourse channel, or,
  - D.14.7.2** Be sized to accommodate the 100-year return event flood flow, and associated debris.
- D.14.8** 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 0.5 inches 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 that exist 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. Permanent Roads and Permanent Watercourse Crossings must include water quality protection and erosion control measures which satisfy one of the following:
- 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, or
  - D.16.3** Are described in a complete Category 6 application (Attachment K).
- 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, with the exception of water pumps used to control prescribed fire, which must be refueled or lubricated within a secondary containment system,
  - 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,
  - D.17.5** Spilled liquid waste must be cleaned up immediately, any contaminated soil must be contained, and these wastes must be removed from the site for proper disposal,
  - D.17.6** Soils within WBBZ must be Operable during Ground-Based Equipment Operations (as defined in Attachment A), and
  - D.17.7** Soils outside of WBBZ must not be Saturated during Ground-Based Equipment Operations. (as defined in Attachment A).
- D.18** In areas where tractors, vehicles, or equipment are operated over-snow, the following must be clearly identified using flagging placed at sufficient intervals for

operator visibility or using georeferenced maps provided and accessible by Ground-Based Equipment operators:

- 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 Permanent and Temporary 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, SEZs and 100-year floodplains.
  - D.21.2** Constructed Control Lines (as defined in Attachment A) 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
  - 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 25 feet in diameter, and
    - D.21.4.4** Must not occupy more than 30% of a treatment acre within a 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 to the extent practicable 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 (as defined in Attachment A), or a Natural Resource Professional (as defined in Attachment A) to achieve fuel reduction goals or riparian forest health.

- D.24** All physical features requiring documentation within an Activity Area or an operationally discrete unit in category-specific application requirements (Categories 4, 5, and 6) must be field-verified by a RPF, Federal Forestry Professional, or Natural Resource Professional 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 Class III 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, and
  - 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), and
  - E.3.3.3** A description of past and planned Pesticide application, and
  - E.3.3.4** 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 using Attachment R. Implementation of any such change may commence after the Discharger receives receive written acceptance by Water Board staff or after 30 days from submittal of the proposed material 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 Roads, Permanent Roads, 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 or Landings into a WBBZ, SEZ, or 100-Year Floodplain, or addition of Skid Trails into an 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.

Any proposed material change to a Project that results in a change in qualification under this waiver to a lower Category must be reported to the Water Board using Material Change and Amendment Form (Attachment R). Discharger is subject to all category-specific monitoring and reporting conditions until Water Board staff provide written notice to the Discharger that the Material Change is accepted.

- 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). Project changes which qualify as Amendments must be documented within 10 days of implementation and submitted to the Water Board with annual monitoring reports using the Material Change and Amendment Form (Attachment R). For the purposes of conducting inspections, Amendments documented using Attachment R must be furnished to Water Board staff within 15 days of written notice.
- 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 the purpose of conducting inspections and verifying information submitted in monitoring reports, 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](mailto: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 (excluding attachments C through S) 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. Copies of the 2024 Timber Waiver and a complete application may be maintained as hard copies or digital copies.
- 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. Discharger may communicate this change of information to the Water Board by emailing [lahontan@waterboards.ca.gov](mailto:lahontan@waterboards.ca.gov). Digital communication must include the project WDID in the subject line.

## 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	<b>Category 1: Defensible Space Activities</b> Community and Infrastructure Protection, CAL FIRE exemptions, and timberland conversion on undeveloped lots less than 3 acres in size, including Limited Prescribed Fire in WBBZ.	No notification, application, or monitoring.	None
2 Page 16	<b>Category 2: Thinning Activities</b> Hand Crew Operations and Low Impact Equipment, including Limited Prescribed Fire in WBBZ.		
3 Page 17	<b>Category 3: Emergency Rehabilitation Activities</b> To Protect Life, Property, or the Environment.	Written notification within seven days of initiation. Effectiveness and Photo Point Monitoring upon Water Board staff written notice	

Category	Type of Timber harvest and Vegetation Management Activities	Notification, application, and monitoring requirements	Application processing timeline
<p>4*</p> <p>Page 18</p>	<p><b>Category 4: Activities that Rely on Existing Roads</b>                      Equipment Operations in WBBZs, Skid Trail Watercourse Crossings of Class III and Class IV Watercourses, Road Maintenance, and Mechanical Site Preparation.</p>	<p>Application, Implementation monitoring and annual reporting, and Project Completion Form submittals required. Winter operations require Winter period monitoring.</p>	<p>Work may begin upon receipt of Notice of Applicability by Water Board staff. Allow 30 days for processing.</p>
<p>5</p> <p>Page 24</p>	<p><b>Category 5: CAL FIRE Approved Plans</b>                      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.</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 30 days for processing.</p>
<p>6*</p> <p>Page 26</p>	<p><b>Category 6: Activities that are Not Eligible for Categories 1 through 5</b>                      Construction of New Roads; Construction or Reconstruction of Permanent Watercourse Crossings; Construction or Reconstruction of Skid Trail Watercourse Crossings on Class I and II Watercourses; and Ignition of Prescribed Fire 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 30 days for 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: Defensible Space Activities**

### **Community and Infrastructure Protection, CAL FIRE exemptions, and timberland conversion 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 timberland conversion 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** Burn piles placed within WBBZs must be no more than 10 feet in diameter and must not occupy more than 10% of a treatment acre within the WBBZ.
- F.1.2.2** Prescribed Fire must not occur within SEZs of the Lake Tahoe HU or 100-year floodplains.

- F.1.2.3** Broadcast burning is allowed within WBBZs in accordance with General Condition 21 (D.21).
- F.1.2.4** Tires or tracks Ground-Based Equipment must be excluded from entering SEZs or wet areas.
- F.1.2.5** Tires or tracks Ground-Based Equipment, including tractors and vehicles, must be excluded from entering WBBZs, except for in the following circumstances:
  - F.1.2.5.1** Over existing roads or Watercourse Crossings where vehicle tires or tracks remain dry, and
  - F.1.2.5.2** 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.1.2.6** The operation of Ground-Based Equipment must minimize soil disturbance to the maximum extent practicable.
- F.1.2.7** Activities must not include construction or Reconstruction of Temporary or Permanent Roads.

## **F.2. Category 2: Thinning Activities**

### **Hand Crew Operations and Low Impact Equipment, including Limited Prescribed Fire in WBBZ**

#### **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 or existing compacted native surfaces, 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** Tires and tracks of Low Impact Equipment operating off roads must be excluded within 25-feet from all Waterbodies, within SEZs, and within WBBZs, except over existing roads, existing Permanent Watercourse Crossings, or Skid Trail Watercourse Crossings of Class III and IV 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** Burn piles placed within WBBZs must be no more than 10 feet in diameter and must not occupy more than 10% of a treatment acre within the WBBZ.
- F.2.2.5** Prescribed Fire must not occur within SEZs of the Lake Tahoe HU or 100-year floodplains.
- F.2.2.6** Broadcast burning is allowed within WBBZs in accordance with General Condition 21 (D.21).

**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**

#### **To Protect Life, Property, or the Environment.**

##### **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 that Rely on Existing Roads****Equipment Operations in WBBZs, Skid Trail Watercourse Crossings of Class III and Class IV Watercourses, Road Maintenance, and Mechanical Site Preparation.****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** Tires and tracks must be excluded from entering within 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 Hand Crew Operations, 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 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 in the watercourse 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** Prescribed Fire must not occur within 100-Year Floodplains located within the Truckee River, Little Truckee River, or Lake Tahoe HUs.
- F.4.2.8** 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, if Implementation Monitoring Report (Attachment D) has been submitted to the Water Board and no ground disturbing Activities have occurred since the preceding fall or winter
- F.4.3.3** Under the temporary monitoring suspension 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 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, and
  - F.4.3.5.3** Projected date of application.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**

### **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).

#### **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 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 Stabilization of areas disturbed by Activities 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**

### **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 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 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 Winter Implementation Monitoring (Attachment H). 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**

**Construction of New Roads; Construction or Reconstruction of Permanent or Temporary Watercourse Crossings; Construction or Reconstruction of Skid Trail Watercourse Crossings on Class I and II Watercourses; and Ignition of Prescribed Fire 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 Timber Waiver 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 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 where tires and tracks are excluded within 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 CTL 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, if Effectiveness Monitoring Report (Attachment J) has been submitted to the Water Board and no ground disturbing Activities have occurred since the preceding fall or winter.
- F.6.3.2** Under temporary periods of monitoring suspension, 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 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 Winter Implementation Monitoring (Attachment H). 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**

### **Post-Wildfire Activities Which Meet Category 6 Eligibility Criteria and Conditions.**

#### **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).
- 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, and;

**F.6E.2.4.2** Abandon the subject road(s) and associated Permanent Watercourse Crossing(s) prior to the Winter Period.

**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.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) 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 Stabilization of areas disturbed by Activities using Effectiveness Monitoring (Attachment J) and, if requested by Water Board staff, 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.

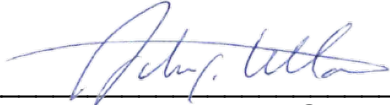
- G.5** This Timber Waiver shall not create a vested right to discharge waste and all such discharges shall be considered a privilege, as provided for in Water Code section 13263, subdivision (g). The Water Board Executive Officer may terminate the applicability of the 2024 Timber Waiver described herein 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 <August 20, 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 2009 Timber Waiver (R6T-2009-0029), the 2014 Timber Waiver (R6T-2014-0030), or the 2019 Timber Waiver (R6T-2019-0240) 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 Conditions of 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 **August 20, 2024**.



for MICHAEL R. PLAZIAK, PG  
EXECUTIVE OFFICER