

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
April 16, 2020

ITEM: 6

SUBJECT: Public Hearing to consider adoption of proposed Order No. R1-2020-0007, *Waste Discharge Requirements for Discharges Related to Timber Harvesting and Related Land Management Activities Conducted by Humboldt Redwood Company, LLC, in the Stitz Creek Watershed, Humboldt County*

BOARD ACTION: The North Coast Regional Water Quality Control Board (Regional Water Board) will consider adoption of Order No. R1-2020-0007 (the proposed Order).

BACKGROUND: Stitz Creek is a tributary to the Lower Eel River, which drains to the Pacific Ocean. The Stitz Creek watershed encompasses approximately 2,572 acres (4 mi²) and is located in coastal Northern California approximately 3.5 river miles upstream of the town of Scotia in Humboldt County and approximately 21 miles from where the Eel River flows into the Pacific Ocean.

Intense ground disturbance from timber harvesting, particularly during the period prior to the 1970s when logging regulations did not include protections for watershed resources, and continuing into the late 1990s under the modern Forest Practice Rules, resulted in extremely high rates of sediment discharge in the Stitz Creek watershed from roads and landslides. Sources of sediment discharge associated with forestry activities include: timber harvesting, road construction and use, removal of streamside vegetation, and mechanical preparation for the planting of trees. Shallowing of streams from sediment deposits and removal of riparian vegetation that provides shade to watercourses can result in elevated water temperature. Several large storm events since the 1950s, including the regionally significant 1964 storm event, triggered episodes of widespread landsliding from slopes disturbed by logging and road construction practices. Many of the landslides formed debris torrents that deposited large volumes of sediment in streams, widened stream channels, and removed much of the riparian vegetation. The most recent of these large landslide triggering events occurred during a series of storms in December 1996 and January 1997 and severely impacted the mainstem and major tributaries of Stitz Creek.

In December 1997, the California Department of Forestry and Fire Protection (CAL FIRE), the Department of Fish and Game (DFG), California Geologic Survey (CGS) and the Regional Water Board determined, based on field observations and aerial photograph data, that Stitz Creek was one of five Humboldt County watersheds that were significantly and cumulatively impacted by sediment discharges after the 1996/1997 storms. The other watersheds are: Bear and Jordan Creeks, which are also tributary to the Eel River in the same vicinity as Stitz Creek, and Freshwater Creek and Elk River which are tributary to Humboldt Bay approximately 25 miles to the north. The agencies' determination resulted in a significant curtailment of timber harvesting in these watersheds.

On February 27, 2008, the Regional Water Board Executive Officer requested that Pacific Lumber Company (PALCO), which at the time owned the entire Stitz Creek watershed, now owned by Humboldt Redwood Company (HRC), submit a Report of Waste Discharge (ROWD) describing a management plan to address cumulative watershed effects in Stitz Creek.

In October 2008, HRC purchased PALCO's timberlands throughout Humboldt County, including the 2,572 acres in the Stitz Creek watershed. The request for a ROWD applied to HRC as the new owner.

Following adoption of Waste Discharge Requirements (WDRs) for Bear and Jordan Creeks in 2011 and 2014, respectively, on March 7, 2019, pursuant to Water Code section 13260(a), HRC submitted a ROWD for its timber harvesting and related management activities on lands in the Stitz Creek watershed in Humboldt County. HRC manages its Stitz Creek timber holdings for growing conifer and hardwood trees for the production of saw and chip logs and other renewable forest products such as bio-fuel, split products, firewood, and burls. The ROWD includes HRC's proposed long term strategy for their management activities in the Stitz Creek watershed, maps and appendices. HRC's management plan includes measures designed to prevent or minimize water quality impacts from its management activities in the Stitz Creek watershed and utilizes the same management framework as established by the WDRs for Bear and Jordan Creeks.

DISCUSSION: On January 13, 2020, the Regional Water Board started a 30-day public comment period and issued a public notice of intent to adopt the proposed Order and Mitigated Negative Declaration (MND) for the Stitz Creek watershed-wide Waste Discharge Requirements (WDR). The Initial Study and MND, draft WDR, draft Monitoring and Reporting Program, and ROWD were delivered to the State Clearinghouse for circulation to Responsible Agencies and Interested Parties. Thirty days before the beginning of the public comment period, Regional Water Board staff sent letters to three tribes to notify them of the upcoming Board action and providing them an opportunity for consultation pursuant to AB 52. No tribes requested consultation. In addition, public notices were posted on the Regional Water Board's website, in the Santa Rosa Press Democrat and the Eureka Times newspapers, and emailed directly to known stakeholders. One comment was received during the public comment period. Staff has prepared a response document for the comment received (attached). No substantive revisions have been made to the January 13, 2020 draft WDR. Minor editorial changes have been incorporated into the proposed Order.

The WDR establishes enforceable general and specific requirements to implement HRC's management plan. The main elements include;

- Silviculture and rate of harvest limits;
- Measures to prevent or minimize controllable sediment discharge from roads, skid trails, landslides, and other sources related to timberland management;
- Identification and treatment of controllable sediment discharge sources (CSDSs);
- Methods for road use, construction, reconstruction, decommissioning, and repair and maintenance; and
- Retention of riparian vegetation to preserve and restore shade and prevent increases in solar radiation.

As a watershed-wide WDR, timber harvest plans would not be enrolled individually in the WDR as is the current practice in the Regional Water Board's *General Waste Discharge Requirements for Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Order No. R1-2004-030). Rather, assessment of compliance will be achieved on a watershed scale through the review of annual work plans and progress reports required by the Monitoring and Reporting Program, and periodic audits including inspections of HRC's implementation of the WDR.

Regional Water Board staff will continue to review and comment on individual timber harvest plans as part of the CAL FIRE review team pursuant to the Forest Practice Rules.

The WDR strikes a reasonable balance of establishing enforceable requirements to minimize potential discharges from activities associated with timber harvest activities and roads, and allows HRC to manage its land for the long term production and sustainable use of timberland in a manner that protects water quality.

Compliance with the terms of the proposed Order will serve to implement the Lower Eel River Total Maximum Daily Load for Temperature and Sediment and will be consistent with its goals of minimizing and eliminating sediment discharges from timber operations in the Lower Eel River watershed. The Monitoring and Reporting Program included as Attachment 1 of the proposed Order is designed to provide a feedback mechanism to ensure that management measures are implemented and functioning as intended and provide data on in-stream sediment conditions.

RECOMMENDATION: Adopt proposed Order No. R1-2020-0007, *Waste Discharge Requirements for Discharges Related to Timber Harvesting and Related Land Management Activities Conducted by Humboldt Redwood Company, LLC, in the Stitz Creek Watershed, Humboldt County.*

SUPPORTING DOCUMENTS:

1. Proposed Order No. R1-2020-0007
2. Attachment 1 – Monitoring and Reporting Program
3. CEQA Initial Study and Mitigated Negative Declaration
4. Report of Waste Discharge, Stitz Creek Watershed prepared by Humboldt Redwood Company, LLC
5. Notice of Public Hearing, Draft Order No. R1-2020-0007
6. Regional Water Board staff response to public comment on Draft Order No. R1-2020-0007
7. Public Comment on Draft Order No. R1-2020-0007