

California Regional Water Quality Control Board
North Coast Region

**Notice of Public Hearing and
Notice of Intent**

to

Adopt a Mitigated Negative Declaration
and
Order No. R1-2016-0004

Waste Discharge Requirements
for

Nonpoint Source Discharges and Other Controllable Water Quality Factors Related to Timber
Harvesting and Associated Activities Conducted by Humboldt Redwood Company, LLC
in the
Upper Elk River Watershed,
Humboldt County

NOTICE IS HEREBY GIVEN that the North Coast Regional Water Quality Control Board (Regional Water Board) will conduct a public hearing to consider adoption of the above-referenced draft Order and Mitigated Negative Declaration on November 30, 2016, at 9:00 a.m., in the City Council Chambers at the Eureka City Hall in Humboldt County or at the location to be announced in the Regional Water Board's agenda and on its website: <http://www.waterboards.ca.gov/northcoast/>. The purpose of draft Order is to provide a water quality regulatory structure to prevent and address discharges of waste and other controllable water quality factors associated with timber harvest activities in the watershed. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the draft Order and Mitigated Negative Declaration, or take other action.

Project Description: On September 22, 2015, pursuant to Water Code section 13260(a), Humboldt Redwood Company LLC (HRC) submitted a final report of waste discharges (ROWD) for its timber harvesting and related management activities in the Upper Elk River (UER) watershed. The ROWD includes HRC's proposed long-term forest management strategy, including measures designed to prevent or minimize water quality impacts from timber harvesting and associated activities. Regional Water Board staff has developed draft Order No. R1-2016-0004 *Waste Discharge Requirements for Nonpoint Source Discharges and Other Controllable Factors Related to Timber Harvesting and Associated Activities* (draft Order) that provides for implementation of rigorous best management practices prepared in part with the collaboration and cooperation of HRC, and some that vary according to the sediment loading risk of subwatersheds. The draft Order incorporates and includes the following components:

- Measures to Prevent Sediment Discharge;
 - Forest Management;
 - Riparian Zone Protection;
 - Road Management
 - Landslide Prevention
 - Wet Weather Restrictions
 - Limited Harvesting in High Risk Subwatersheds
- Inventory and Treatment of Existing Controllable Sediment Sources;

- Watershed Restoration Efforts; and
- Monitoring and Reporting Program.

The draft Order and associated Initial Study and Mitigated Negative Declaration developed pursuant to the California Environmental Quality Act (CEQA) to analyze potential impacts from the proposed Order were originally released for public comment on December 4, 2015. While the mitigations described in the original analysis generally remain the same, and the new measures will be equivalent in mitigating or avoiding a potentially significant effect on the environment and themselves will not result in a potentially significant effect on the environment, the Regional Water Board is reissuing the draft Order and the entire CEQA package in order to provide interested members of the public an additional opportunity to comment on the environmental documents. Previously submitted comments should not be resubmitted. Water quality impacts from logging and associated activities primarily lead to: 1) an increase in sediment production and loading; and 2) elevated water temperatures. These impacts result from a complex interaction between inherent watershed characteristics, such as geology and geomorphology, external natural processes, such as climate and timing of stochastic events (i.e. large storms, earthquakes, fires), type of management practices, and the extent and rate of watershed area disturbed. Increased sediment production is the result of greater incidence of landsliding, surface and gully erosion, and increases in channel erosion due to higher runoff rates. Over time, sediment transported from the upper tributaries has been deposited in low gradient downstream reaches and has resulted in ongoing aggradation, encroachment of riparian vegetation onto relatively recent fine sediment deposits, and an increased incidence of overbank flooding which has impacted the downstream residential community.

The draft Order includes requirements to: prevent new sediment discharge, including forest management (including harvest rate); riparian protection; roads management; landslide prevention; and wet weather requirements. The draft Order includes requirements to address existing sources of sediment, including identification, evaluation, and treatment of controllable sediment discharge sites, and a feasibility study to evaluate potential methods to control, trap, or meter sediment from in-stream sources. The draft Order also covers HRC's various types of remediation and restoration projects intended to improve fishery-related beneficial uses and control sediment delivery from in-stream and near-stream sources. Attachment A of the Initial Study provides additional best management practices designed to mitigate potential impacts from stream restoration and remediation.

The Elk River has a long and strained history, and despite numerous efforts to improve conditions, and recent and promising changes in management strategies, the watershed remains severely impaired, specifically the existing beneficial uses in the downstream reach. This draft Order is informed in part by the *Elk River Sediment Technical Analysis* for the Upper Elk River (Technical Report), attached to the Order as Attachment B. The Technical Report provides the technical basis for the Action Plan for Upper Elk River Total Maximum Daily Load (TMDL), which the Regional Water Board adopted on May 12, 2016. The draft Order is a primary implementation component of the TMDL, but other implementation actions are also underway. HRC is partnering with the Regional Water Board, Non-Governmental Organizations (NGOs), and other agencies to address chronic downstream health and safety concerns relative to water quality, domestic water supply, and storm flooding through the Elk River Watershed Stewardship Program. These implementation

efforts are outside the scope of the draft Order. Restoration and remediation efforts in the Upper Elk River as well as the downstream impacted reach, combined with the additional layer of environmental protection provided by the Order are expected to ensure that existing cumulative water quality impacts are abated over time, and beneficial uses are ultimately restored and protected.

Draft Order and Initial Study Available for Review and Comment

Comments must be submitted by September 29, 2016 at James.Burke@waterboards.ca.gov, or at the following address:

North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Document Availability

Information on the Regional Water Board's draft Order and Mitigated Negative Declaration can be found at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/timber_operations/elk_river_wdrs/ or may be viewed during public hours in person at the Regional Water Board's office listed above.

Persons wishing to receive additional notices related to the draft Order and Mitigated Negative Declaration must subscribe to the respective email list, under Resources, Email Subscription on the left side of the Regional Water Board's main web page at <http://www.waterboards.ca.gov/northcoast>.

Public Hearing Procedures

The procedures governing North Coast Water Board meetings may be found at California Code of Regulations, title 23, section 647 et seq. and are available upon request. The Discharger and interested persons must submit to the Regional Water Board office written copies of all legal argument, technical reports, testimony, and other evidentiary material concerning this issue by the deadline listed above.

Written material received after September 29, 2016 will not be accepted except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Dischargers or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (Cal. Code Regs., tit. 23, §§ 648.1 & 648.4).

During the pendency of this proceeding, there shall be no ex parte communications between Regional Water Board members and participants. This includes communications on substantive or controversial procedural matters. (Gov. Code, §§ 11430.10-11430.80.)

The time limits for oral testimony or comments at the public hearing will be set by the Regional Water Board Chair and are subject to change. All speakers are expected to honor these time limits. A timer may be used and speakers are expected to honor the time limits.

Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Accessibility

Anyone requiring reasonable accommodation to participate in the public meeting should contact Patti Corsie at 707-576-2220 at least five days prior to the scheduled meeting. The meeting location is accessible to persons with disabilities. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Staff Contact

Questions regarding the workshop or the draft Order and Mitigated Negative Declaration should be directed to Jim Burke, by phone at 707-576-2289 or email at James.Burke@waterboards.ca.gov.