

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6T-2014-0030

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS

FOR

**WASTE DISCHARGES RESULTING FROM
TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES
IN THE LAHONTAN REGION
"2014 TIMBER WAIVER"**

Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, Mono, Inyo,
San Bernardino, Kern, and Los Angeles Counties

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A. FINDINGS

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

1. California Water Code (Water Code) section 13260, subdivision (a) requires that any person (hereby referred to as "enrollee") discharging waste or proposing to discharge waste as defined by Water Code section 13050 (including but not limited to waste earthen and organic materials) that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate Water Board a report of waste discharge containing information that may be required by the Water Board. Only persons proposing timber harvest and/or vegetation management activities that may potentially result in a discharge or threatened discharge of waste to waters of the state are subject to regulation by the Water

Board and coverage under this waiver of waste discharge requirements (and waiver of the requirement to file a report of waste discharge) or file a report of waste discharge pursuant to Water Code section 13260.

2. The Water Board has identified wastes associated with timber harvest and vegetation management activities (as defined in Attachment A) as having a potential effect on water quality. These vegetation management activities have the potential to effect water quality by causing soil to discharge to a waterbody, slump or erode by wind, or be compacted or deformed which limits the soil’s ability to infiltrate or filter runoff. Activities eligible for this Timber Waiver range from fuel reduction work conducted around existing structures to commercial timber harvest and vary in potential threat to water quality. For example, project characteristics such as method of tree removal, intensity and proximity of activities to surface waters, and the sensitivity of the area will influence the mitigation measures needed to ensure the activity will have a less-than-significant impact on water quality and the environment. The types of activities that are eligible for this Timber Waiver have been divided into six categories to address the diversity of activities and the associated conditions. Segregating these activities into categories is intended to assist enrollees in identifying eligibility criteria and conditions that apply to their particular activity. Table 1 summarizes the six categories of activities eligible for the Timber Waiver.

Table 1: Summary of Timber Harvest and Vegetation Management Activity

Categories. Please note that this table supplies only a brief summary of the eligibility criteria, conditions, and requirements of each category, please refer to Section D. Timber Waiver Categories (pages 15-31) for more complete information. For a summary and timeline of the monitoring and reporting required for Categories 4, 5, and 6 please review Attachment P.

Category	Type of timber harvest and vegetation management activities	Notification, application, and monitoring requirements	Application processing timeline
1	Activities associated with defensible space, defense zone, forest fire prevention, and construction activities	No notification, application or monitoring.	None
2	Activities conducted by hand crews, including limited prescribed fire inside Waterbody Buffer Zones		
3	Planned post fire rehabilitation	Written notification within 7 days of initiation. No monitoring required as part of Timber Waiver.	

Category	Type of timber harvest and vegetation management activities	Notification, application, and monitoring requirements	Application processing timeline
4	Activities that rely on existing roads, meet 11 criteria, limited prescribed fire inside Waterbody Buffer Zones, and may include winter period operations	Application, implementation monitoring and reporting, and Project Completion Form submittals required. Winter monitoring required if equipment is operated during the winter period.	Work may begin upon receipt of application by Water Board.
5	CAL FIRE – approved Timber Harvest Plan, Non-Industrial Timber Management Plans, or other CAL FIRE Plans	Application, monitoring and reporting, and Project Completion Form submittals required.	
6	Activities that do not qualify for categories 1-5, and may include activities within 100-year floodplains or Stream Environment Zones	Application, monitoring and reporting, and Project Completion Form submittals required	Application submitted at least 30 days before beginning work.

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

- (e) In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based compliance and effectiveness monitoring efforts; the size of the project area; and other relevant factors;
 - (f) Monitoring results shall be made available to the public; and
 - (g) The Water Board may include as a condition of a waiver the payment of an annual fee established by the State Water Resources Control Board (State Water Board). (At the time of adoption of this Timber Waiver, CA Assembly Bill 1492 precludes the charging of fees for regulation of timber harvest and vegetation management activities).
5. The Lahontan Regional Water Quality Control Board (Water Board) acknowledges the State Water Resources Control Board (State Board) and the USDA Forest Service signed a Management Agency Agreement in 1981 that recognized the USDA Forest Service as a water quality management agency for its lands. The Water Board is aware of the potential for the development of a statewide regulatory action by the State Water Board for vegetation management and other activities on National Forest lands. If, during the period that this Lahontan 2014 Timber Waiver is in effect, the State Board adopts a new statewide regulatory action for vegetation management, then the Water Board will consider revisions to the Timber Waiver consistent with the adopted provisions.
6. The Basin Plan contains water quality standards and implementation measures for specific watersheds. Because of the high quality waters found in the Lahontan Region, additional conditions beyond current state and federal forestry-related regulations are included in this waiver to ensure protection of water quality and compliance with the Basin Plan. In the Lake Tahoe, Little Truckee River, and Truckee River Hydrologic Units (HUs), the Water Board adopted waste discharge prohibitions to limit soil erosion and sediment delivery in and around surface waters and their associated floodplains and Lake Tahoe Stream Environment Zones (SEZs). The Water Board has identified extremely fine sediment (less than 16 micrometers in size) to be the primary cause of clarity loss in Lake Tahoe and the US EPA adopted a Total Maximum Daily Load (TMDL) for sediment and nutrient discharges to Lake Tahoe in August 2011. The US EPA adopted a TMDL for sediment discharge to the Truckee River in September 2009 focusing on controlling sediment from roads and land disturbances. Therefore, this waiver adds additional conditions and requirements within the Lake Tahoe, Little Truckee River, and Truckee River HUs to ensure compliance with the Basin Plan.
7. Soil compaction and deformation depends upon soil moisture content, soil characteristics, organic content within the soil, and compaction forces. Geotechnical Engineers, when striving to achieve compacted soils for construction purposes, have developed the term "optimum moisture content by weight" to describe the moisture level at which soils are most conducive to being compacted. Soil that lacks sufficient moisture, below the soil's optimum moisture content by weight, is less susceptible to being compacted to that soil's maximum dry density. Soils with a high organic

content are less susceptible to compaction. Repeated heavy traffic produces additive forces that can compact a soil. Soil that contains moisture at its optimum moisture content by weight is highly susceptible to compaction. Soils at or above optimum moisture content will commonly exhibit wheel or track ruts that are typically deeper than about two to three inches. Soil with more moisture than its optimum is highly susceptible to deformation and this can be observed when heavy equipment operates in those areas and either deep ruts (>3 inches) form or the soils deflect under the weight and are observed to “pump”. The deflection or “pumping” is from the excess water content in the soil. Optimum soil moisture is specific to each soil type and the moisture content within the soil depends on many factors, including precipitation, snowmelt, runoff, organic content, and groundwater levels. Operable soil conditions are defined in Attachment A, and must be restricted to times when the soil lacks sufficient moisture, below the soil’s optimum moisture content to protect water quality.

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

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

The Water Board recognizes a need for more information on the impacts and appropriate mitigation measures for new and innovative vegetation management activities, including but not limited to, aspen stand restoration/regeneration and equipment use and pile burning within riparian areas. On May 14, 2009, the Water Board adopted the Conditional Waiver of Waste Discharge Requirements for Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Resolution No. R6T-2009-0029; 2009 Timber Waiver), which allowed

research and demonstration activities to be conducted in sensitive areas in order to find out more information on the impacts and appropriate mitigation measures for the new and innovative vegetation management practices. The Water Board is allowing these innovative activities to continue under this waiver, and to ensure these innovative activities do not cause a potentially significant effect on the environment, Water Board directs its staff to:

- (a) Impose additional monitoring, such as quantitative monitoring of impacts to soils (compaction, infiltration rate, etc.), ground cover inventories, vegetation recovery, or water quality analysis (see Conditions 5 and 6 of Category 6);
 - (b) Ensure plans include appropriate design features to prevent or limit impacts to water quality;
 - (c) Impose specific environmental triggers or thresholds that must not be exceeded during implementation;
 - (d) Ensure plans contain specific management response(s) in the event that triggers or thresholds are reached;
 - (e) Consider the need to require the project proponent to submit the proposal for external peer review in order to evaluate the appropriateness of the proposed research or demonstration project implementation or analysis; and
 - (f) Notify the public of projects requiring a prohibition exemption a minimum of ten days before such an exemption and coverage under this waiver is considered by the Executive Officer, except for prohibition exemptions which are granted as part of this Timber Waiver (Attachment N).
9. During the term of the 2009 Timber Waiver, the Water Board found that the results of the USFS-Lake Tahoe Basin Management Unit Heavenly Valley Creek Stream Environment Zone Demonstration Project (USFS-LTBMU, 2008) provided sufficient evidence that the operation in the SEZ of cut-to-length (CTL) equipment with ground pressures less than 13 pounds per square inch (psi) did not result in the permanent disturbance of soils, and therefore there was a low risk of the soils discharging to a waterbody via runoff, slumping, or wind erosion. These results are sufficient for allowing future activities using this equipment on similar soils to proceed without requiring a Basin Plan prohibition exemption when monitoring to verify operable soil conditions occurs. Additionally, the results will be considered sufficient for use of the same or similar low ground pressure equipment under comparable conditions elsewhere in the Lahontan Region.
10. Hand-thinning operations within SEZs and other sensitive areas result in a large volume of material (also referred to as slash), which poses a challenge in being removed efficiently in a manner that causes the least disturbance to the sensitive area. The practice of using hand crews to pile and burn slash can be an effective and efficient method for reducing the fuel load in those sensitive areas. Hand thinning crews are the least disruptive to the sensitive area soils as compared to operating mechanized equipment, which has the potential to disturb sensitive soils and vegetation. The 2009 Timber Waiver determined that creating certain-sized slash piles that cover no more than 30% acre in the SEZ, and that burning up to half of those piles (i.e., piles covering up to 15% of the SEZ area) in any given year,

creates a less than significant impact to the resources. Building and burning small piles of this slash in situ within the SEZs is an effective way to remove the fire danger from these sensitive locations; however, this practice often leaves burn scars in which the unique soil functions may be lost and exposes the bare soil to re-colonization by invasive species and potential erosion problems. The 2009 Timber Waiver did not specify a performance standard for vegetative recovery of the burn scar in the SEZ; rather it specified that slash piles not exceed ten feet diameter by five feet high. Research has since shown that the size of the material in the burn pile has more influence on the intensity of the soil impacts than the size of the pile itself, so the pile size specification in the 2009 Timber Waiver is being replaced with a requirement that burn scars show vegetative recovery within two growing seasons.

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

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

11. This Timber Waiver allows pile burning within Waterbody Buffer Zones (WBBZs) and SEZs if the projects meet the requirements of Attachment Q, "Required Management Actions for Pile Burning within Waterbody Buffer Zones and Stream Environment Zones Under Timber Waiver Category 6." Enrollees under the 2009 Timber Waiver who proposed slash piling and burning within SEZs were required to provide Water Board staff with the information necessary to justify a Basin Plan prohibition exemption and wait for a 10-day public review and comment period prior to the Water Board's Executive Officer granting an exemption to proceed. The granting of project level Basin Plan prohibition exemptions under this process was repeatedly done during the term of the 2009 Timber Waiver without public concern or significant environmental impact being

identified. In the interest of streamlining the permitting process for hand-thinning activities within SEZs, and based on the information provided in Finding #9, above, this Timber Waiver includes conditional Basin Plan Prohibition Exemption coverage for limited slash piling and burning within SEZs (Attachment N).

12. Pursuant to Water Code section 13269, subdivision (a)(3), the Water Board may waive monitoring requirements for discharges that it determines do not pose a significant threat to water quality.

- (a) For projects conducted under the criteria and conditions of Category 1, which are set forth in Section D, the Water Board waives monitoring requirements. Category 1 covers only those activities:
 - i. conducted near structures, or in or near areas zoned as residential, commercial or industrial. The Water Board finds that these activities do not pose a significant threat to water quality due to their limited scale and typical location and adherence to Category 1 eligibility criteria and conditions;
 - ii. conducted under a Forest Fire Prevention Exemption issued by the California Department of Forestry and Fire Protection (CAL FIRE) pursuant to California Code of Regulations (CCR), title 14, section 1038, subdivision (i). The Water Board finds that these activities do not pose a significant threat to water quality because of the CAL FIRE requirements that limit the scale of these activities and adherence to Category 1 eligibility criteria and conditions which also limits these activities; or
 - iii. conducted under a Dead, Dying, Diseased Exemption issued by CAL FIRE pursuant to California CCR, title 14, section 1038 (b) without exceptions to 1038 (b) condition nos. 6 or 9. The Water Board finds that these activities do not pose a significant threat to water quality because of the CAL FIRE requirements and adherence to Category 1 eligibility criteria and conditions.
- (b) For projects conducted under the criteria and conditions of Category 2, which are set forth in Section D, the Water Board waives monitoring requirements. Category 2 covers only those activities that are conducted by hand crews and low-ground-pressure chippers, brush mowers, or similar equipment for onsite processing of materials cut by hand crews. The Water Board finds activities that comply with the criteria and conditions for Category 2 set forth in Section D do not pose a significant threat to water quality.
- (c) For projects conducted under the criteria and conditions of Category 3, which are set forth in Section D, the Water Board waives monitoring requirements. Category 3 applies only to those activities conducted for post-wildfire rehabilitation, and covers activities to minimize threats to life, property, water quality, and natural and cultural resources. These activities are either limited in scope or specifically intended to control erosion and sedimentation. The Water Board finds activities conducted under Category 3 do not pose a significant threat to water quality.

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

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

- (a) The five-year time limit imposed by Water Code section 13269;
- (b) Sections of the R6T-2009-0029 that have been identified by Water Board staff as vague, duplicative, unnecessarily burdensome to staff or operators, or outdated due to recent scientific research; and
- (c) Specific requests made by the Water Board and regulated public and agencies concerning operable soil conditions off roads, slash piling and burning in Lake Tahoe SEZs, and the Monitoring and Reporting Program.

14. Certain terms used in this Timber Waiver have a specific, regulatory definition. The definition of these terms as listed in Attachment A may differ from common, dictionary definitions. All other terms shall have the same definitions as prescribed by the California Forest Practice Rules (FPRs) (CCR, title 14, section 895.1 et seq.), California Public Resources Code (PRC) section 4528, subdivision (f), and the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.). Definitions contained in Water Code section 13050(d) controls for the purpose of the Timber Waiver.

15. As defined in Attachment A, "Enrollee" means the landowner(s), any duly authorized representative of the landowner(s), and anyone working on behalf of the landowner(s) in the conduct of timber harvest and vegetation management. Enrollee includes any "person" as that term is defined by Water Code section 13050, subdivision (c).

16. The Water Board adopted the Basin Plan that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the state and waste discharges to waters of the state within the Lahontan Region. The Basin Plan contains water quality objectives developed to protect the waters for the listed beneficial uses. The factors in Water Code section 13241, including economic considerations, were considered as required during the development of water quality objectives. Prohibitions, provisions, and conditions contained in this Timber Waiver implement these previously developed water quality objectives. Compliance with water quality objectives will protect the waters for beneficial uses as identified in the Basin Plan.
17. State Water Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintenance of High Quality Waters in California") requires that the Water Board regulate discharges of waste to waters of the state to protect existing high quality waters and achieve the highest water quality consistent with maximum benefit to the people of the state. It further requires that dischargers meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the state will be maintained. This Timber Waiver is consistent with Resolution No. 68-16 because it requires compliance with applicable water quality control plans, including applicable water quality objectives, prohibits the creation of pollution or nuisance, and sets forth conditions that require the implementation of additional management practices (in addition to those required in the FPRs [CCR, title 14, section 895.1 et seq] and U.S. Forest Service Best Management Practices guidance manuals) to assure protection of beneficial uses of waters of the state and maintenance of the highest water quality consistent with maximum benefit to the people of the state.
18. The Timber Waiver is consistent with the Basin Plan and is in the public interest as described below.
 - (a) Compliance with the conditions of the Timber Waiver will result in protection of water quality.
 - (b) Without the Timber Waiver, dischargers would be required to submit a report of waste discharge and wait for up to 140 days for the Water Board to prescribe individual waste discharge requirements. Due to limited staff resources, the Water Board would be unable to prescribe requirements in every case, allowing activities to move forward after a lengthy delay without Water Board permit. The Timber Waiver is a regulatory option imposing enforceable conditions that can be used by the Water Board to address a greater percentage of timber harvest activities, while allowing limited resources to be directed to the activities with greatest water quality risk.
 - (c) Forest fuel hazard reduction efforts have increased statewide to address the current and growing fire threat from decades of fire suppression. This revised Timber Waiver continues to respond to the need for expedited permitting for lower-impact fuels hazard reduction and forest enhancement activities, while still maintaining water quality protection through conditions and a monitoring program

(under certain circumstances) described in the attachments. This approach balances the need to reduce fire risk quickly while ensuring appropriate management practices and mitigation for water quality impacts are still implemented.

- (d) The Timber Waiver contains conditions requiring compliance with monitoring and reporting programs for some categories of activities based on the level of potential threat to water quality pursuant to Water Code section 13267, subdivision (b)(1). The required monitoring will assist in the protection of water quality and in the verification of the adequacy and effectiveness of Timber Waiver conditions pursuant to Water Code section 13269, subdivision (a)(3).
- (e) The Timber Waiver contains conditions that require compliance with the Basin Plan.
- (f) The Timber Waiver prohibits the creation of pollution, contamination or nuisance as defined in Water Code section 13050.
- (g) Violations of Timber Waiver conditions are subject to enforcement remedies including, but not limited to Water Code section 13350 in the same manner as enforcement of waste discharge requirements.
- (h) Water Board staff will continue to participate in the pre-harvest review of proposed timber activities under the FPRs. This provides a process for the incorporation of water quality protective measures into Timber Harvest Plans beyond those required by the FPRs.

19. 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 Timber Waiver described herein to any activity at any time when such termination is in the public interest and/or the activity could affect the quality of waters of the state for beneficial uses.

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

21. The Water Board held a public hearing on April 10, 2014, in South Lake Tahoe, California, and considered all evidence concerning this matter.

IT IS HEREBY ORDERED that in order to be enrolled under this Timber Waiver, an enrollee must meet applicable eligibility criteria and requirements for that category of activities covered by this Waiver, including the General Provisions and all applicable general and category-specific conditions of this Timber Waiver, as set forth below.

B. GENERAL PROVISIONS

1. Pursuant to Water Code section 13269, subdivision (a), the Water Board waives requirements to submit reports of waste discharge and obtain waste discharge requirements for persons proposing or conducting activities which meet the eligibility criteria and comply with the conditions and general provisions set forth in this Timber Waiver.
2. The Water Board anticipates that most activities will proceed under a single category of the Timber Waiver. However, if a project is 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 enrollee 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.
3. The Water Board does not waive the filing of a report of waste discharge or waive waste discharge requirements for persons proposing projects that include activities with impacts that are not mitigated to less-than-significant levels, such as those identified in a CEQA environmental impact report, or a National Environmental Policy Act (NEPA) or Tahoe Regional Planning Agency (TRPA) environmental impact statement. Not all timber harvest and vegetation management activities proposed in the Lahontan Region will be eligible for this Timber Waiver. Enrollees 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.
4. 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 Timber Waiver described herein to any activity at any time when such termination is in the public interest and/or the activity could affect the quality of waters of the state for beneficial uses.
5. This Timber Waiver shall become effective on April 10, 2014 and shall expire on April 10, 2019 unless terminated or renewed by the Water Board. Discharges regulated under this Timber Waiver are not authorized, and waste discharge requirements are not waived, after April 10, 2019 unless this Timber Waiver is renewed by Water Board action.

6. Discharges currently regulated under the 2009 Timber Waiver may proceed under the conditions of that waiver, or may be re-enrolled under this 2014 Timber Waiver. After April 9, 2014 no new applications for permit coverage under Resolution No. R6T-2009-0029 (the 2009 Timber Waiver) will be accepted.
7. Timber harvest and vegetation management activities approved by CAL FIRE under an Exemption or Emergency Notice may be eligible for coverage under Timber Waiver Categories 1, 2, 3, 4, or 6, depending on the scope of the proposed activities.
8. A monitoring and reporting program is adopted in conjunction with this 2014 Timber Waiver and shall be adhered to by all waiver enrollees, using the attached monitoring forms adopted by the Water Board.
9. Pursuant to Water Code section 13269, Timber Waiver enrollees 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 M).

C. GENERAL CONDITIONS

1. Activities must be conducted in compliance with the Basin Plan, and other applicable laws, regulations, and plans.
2. Wastes, including but not limited to, petroleum products, soil, silt, sand, clay, rock, felled trees, slash, sawdust, bark, ash, pesticides, must not be discharged to surface waters or be deposited in locations where such material may discharge to surface waters. If discharge of wastes to surface waters occurs (not previously authorized by the Water Board), the enrollee must notify the Water Board by telephone or email within 24 hours of detection of the discharge or the next business day, whichever comes first.
3. **Condition for activities within the Little Truckee River, Truckee River, or Lake Tahoe HUs only:** If timber harvest and vegetation management activities are planned within 100-year floodplains of the Little Truckee River, Truckee River, or Lake Tahoe HUs, SEZs, or high erosion hazard lands (Bailey Land Classification 1a, 1c, or 2) of the Lake Tahoe HU, waste discharge prohibitions may apply. The Water Board grants a conditional Basin Plan Prohibition Exemption in certain cases as described in Attachment N, for slash piling and burning in Lake Tahoe HU SEZs that is conducted under Waiver Category 6, and in accordance with the requirements of Attachment Q. Review Attachments N and Q to verify if any proposed activities would need a Basin Plan prohibition exemption prior to proceeding.
4. Activities conducted under the Timber Waiver must comply with the category-specific eligibility criteria and conditions, including monitoring and reporting requirements where specified. The enrollee must conduct activities in accordance

with information submitted in the application for waiver coverage, if one is required. For Categories 4, 5, and 6, the enrollee must conduct monitoring and reporting pursuant to Water Code section 13267 unless alternate monitoring and reporting requirements have been approved by the Executive Officer.

5. Timber harvest and vegetation management activities must be conducted in accordance with any design features, management actions, mitigation measures, and monitoring plans developed as part of complying with CEQA, NEPA, the FPRs, and/or TRPA environmental analysis requirements.
6. Timber harvest and vegetation management activities subject to this Timber Waiver must not create a pollution, contamination, or nuisance, as defined by Water Code section 13050, subdivisions (k), (l), and (m).
7. All equipment used must be monitored for leaks, and removed from service if necessary to protect water quality. All spills must be immediately contained and spilled materials and/or contaminated soils must be properly disposed. An emergency spill kit adequate to contain spills that could result from onsite equipment must be at the project site at all times of equipment use.
8. This 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 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 permit, such as a Clean Water Act section 404 permit, is required. Also, persons practicing forestry must ensure that they maintain appropriate licenses and certifications pursuant to Public Resources Code sections 752 and 753.
9. Pursuant to Water Code section 13267 subdivision (b) and Water Code section 13269 subdivision (a), any proposed material change to the activities proceeding under the Timber Waiver must be reported to Water Board staff in advance of implementation of any such change. Material changes include, but are not limited to:
 - (a) Change of project location or increase in size;
 - (b) The addition of winter period operations;
 - (c) Relocation or addition of watercourse crossings; or
 - (d) Addition or relocation of roads or skid trails into a WBBZ.
10. Any proposed material change to a project that does not result in a change in qualification under this waiver to a higher Category (e.g., Category 4 to Category 4) must be reported to the Water Board prior to implementation. Material changes to Category 6 projects shall not proceed until Category 6, Condition 1 is satisfied.

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.

11. A report of waste discharge must be filed with the Water Board pursuant to Water Code section 13260 for any proposed material change to the activities proceeding under the Timber Waiver that would result in ineligibility for Timber Waiver coverage.
12. For the purpose of performing inspections and conducting monitoring, Water Board staff must be allowed reasonable access onto property where timber harvest and vegetation management activities are proposed, are being conducted, or have been terminated or completed. Inspections and monitoring may include sample collection, measuring, and photographing/taping to determine compliance with waiver conditions and eligibility criteria. Such inspections and monitoring are consistent with Water Code section 13267, subdivision (c), PRC section 4604, subdivision (b)(1), and other applicable laws.

Prior to, or immediately upon entering the property, Water Board staff will attempt to contact the site owner, persons performing the timber harvest and vegetation management activities, or other on-site representative(s) in order 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 applicability of the Timber Waiver.

13. **Condition for Categories 4, 5, or 6:** For the purpose of observing, inspecting, photographing, digitally recording or videotaping, measuring, and/or collecting samples or other monitoring information to document compliance or non-compliance with the eligibility criteria, conditions, or provisions of this Timber Waiver, enrollees agree to allow Water Board staff:
 - (a) Entry at any time, with or without advance notice, onto: (1) the real property where timber harvest and vegetation management activities covered under this Timber Waiver are proposed, are being conducted, or have concluded; and (2) any and all outdoor areas in the control or ownership of the enrollee, in the vicinity of and downstream of timber harvest and vegetation management activities; and
 - (b) Access to and permission to copy any record required to be kept under the conditions of this Timber Waiver, including, but not limited to, any self-monitoring records and/or equipment used to fulfill monitoring requirements.

D. TIMBER WAIVER CATEGORIES

Category 1: Defensible space, fire prevention, dead-dying-diseased tree removal, and construction activities

Eligibility Criteria:

Activities that may proceed under this category are those:

- (1) Undertaken to comply with state, local, or county defensible space requirements, including PRC section 4291 requirements, OR
- (2) Conducted on undeveloped lots (as defined in Attachment A) up to three acres in size for the purpose of fuels reduction and/or construction activities, OR
- (3) Conducted on public lands or with public funding (where a Registered Professional Forester (RPF), Federal Forestry Professional, or Natural Resource Professional has developed and oversees the plan) to provide up to a 300-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
- (4) Conducted under a CAL FIRE issued Forest Fire Prevention Exemption and in compliance with CCR, title 14, section 1038, OR
- (5) Undertaken to remove isolated hazard trees in response to an imminent threat to life or property, OR
- (6) Conducted under a CAL FIRE issued Dead, Dying, Diseased Exemption in compliance with CCR, title 14, section 1038(b) without any exceptions to section 1038(b) condition nos. 6 or 9.

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above are not required to notify, apply, or report monitoring to the Water Board if they comply with the following conditions:

- (1) Timber harvest and vegetation management activities must not cause or create erosion, destabilization of stream banks, temperature increases in waterbodies, disturbance to non-target WBBZ (as defined in Attachment B) vegetation, or concentrated surface runoff.
- (2) All areas disturbed by activities must be stabilized (as defined in Attachment A) at the conclusion of the activity or before the winter period (as defined in Attachment A), whichever is sooner.
- (3) Chipped and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs, chipped and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
- (4) Slash piles must not be built or burned within WBBZs, SEZs (as defined in Attachment A), or 100-year floodplains (as defined in Attachment A).

- (5) Equipment, including tractors and vehicles, must not be driven into SEZs, wet areas, or WBBZs , except over existing roads or watercourse crossings where vehicle tires or tracks remain dry.
- (6) The operation of equipment, including tractors and vehicles, shall minimize soil disturbance to the maximum extent practicable.
- (7) No tractor, vehicle, or equipment use on saturated soils (as defined in Attachment A).
- (8) All activities conducted under Category 1 must comply with the General Conditions of this Timber Waiver and meet one of the category-specific eligibility criteria listed above.

Category 2: Activities conducted by hand crews (as defined in Attachment A) including thinning operations and prescribed fire

Eligibility Criteria:

Activities that may proceed under this category must meet all of the following eligibility criteria:

- (1) Activities shall be conducted by hand, except for low impact equipment, see Eligibility Criteria 2(a) below, to assist hand crew operations.
- (2) Tractor, vehicle, and equipment access shall be limited to existing roads with the following exceptions:
 - (a) Low impact equipment with ground pressures less than 10 psi, such as chippers, brush mowers, or similar equipment for onsite processing of materials cut by hand crews; and
 - (b) Single passenger all-terrain vehicles (ATVs) or snowmobiles.
- (3) No construction or expansion of roads, crossings, landings, staging areas, etc.

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above are not required to notify, apply, or report monitoring to the Water Board if they comply with the following conditions:

- (1) On existing roads, tractors, vehicles, low-ground-pressure chippers or other equipment shall not be operated during saturated soil conditions (as defined in Attachment A).
- (2) Operation of ATVs, chippers, brush mowers, or similar equipment off roads must always occur at distances greater than 25 feet from a waterbody and when at least one of the following conditions occurs:

- (a) Soils are operable (as defined in Attachment A); or
 - (b) Hard-frozen soil conditions (as defined in Attachment A) exist; or
 - (c) Snow depth is sufficient to not allow visible disturbance of soils.
- (3) Prior to the commencement of activities within WBBZs (as defined in Attachment B), trees with a diameter-at-breast-height (DBH, as defined in Attachment A) greater than three inches planned for removal, or trees designated for retention, must be marked (including a base mark below the cutline) or designated by written prescription and/or sample mark. However, all trees with a DBH greater than 14 inches planned for removal within WBBZs must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a(n):
- (a) RPF or an individual under the direct supervision of a RPF;
 - (b) Federal Forestry Professional (as defined in Attachment A) or an individual under the direct supervision of a Federal Forestry Professional; or
 - (c) Natural Resource Professional or an individual under the direct supervision of a Natural Resource Professional.
- (4) Activities must not cause or create erosion, destabilization of stream banks, temperature increases in waterbodies, disturbance to non-target WBBZ vegetation, or concentrated surface runoff.
- (5) All areas disturbed by timber harvest and vegetation management activities must be stabilized at the conclusion of operations or before the winter period (as defined in Attachment A), whichever is sooner.
- (6) Chipped and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs chipped and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
- (7) The following conditions apply to prescribed fire:
- (a) Areas burned within WBBZs must be left in a condition such that waste, including ash, soils, and/or debris, will not discharge to a waterbody.
 - (b) If fuel breaks are constructed, effective waterbreaks must be constructed at the end of burning operations or prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.
 - (c) Broadcast burning (as defined in Attachment A) is allowed as long as the prescription does not include active ignition within WBBZs
 - (d) Burn piles may be placed within WBBZs under all of the following circumstances:
 - i. Piles must not be located within 100-year floodplain (as defined in Attachment A) of any watercourse.
 - ii. Piles must be located a minimum of 25 feet from any waterbody.
 - iii. Piles must be limited in size to no more than 10 feet in diameter;

- iv. No more than 10% of a treatment acre within the WBBZ shall be covered in piles.; and
- v. No placement or burning of piles within SEZs (as defined in Attachment A) in the Lake Tahoe HU.

(Note: Prescribed fire within WBBZs that do not meet the above conditions may be authorized pursuant to an activity-specific notification under Category 6. See General Provision 2, in Section B, above.)

- (8) All activities conducted under Category 2 must comply with the General Conditions of this Timber Waiver and meet the category-specific eligibility criteria listed above.

Category 3: Post-fire emergency rehabilitation

Eligibility Criteria:

Activities implemented to minimize threats to life or property, and/or to stabilize soil and prevent unacceptable degradation to natural and cultural resources resulting from the effects of a wildfire and suppression of a wildfire. Non-post-fire activities conducted under a CAL FIRE Emergency Exemption (e.g., emergency removal of trees dead or dying as a result of animal or plant infestations, extreme weather impacts, or pollution, or removed for emergency repair or maintenance of roads, or removed due to a significant fire threat, etc.) do not qualify for Category 3. Non-emergency activities initiated more than 60 days of a wildfire being controlled, are also not eligible. All post-fire rehabilitation projects, either Federal or Non-Federal, which cannot meet these criteria or conditions, must apply for coverage under Categories 4 or 6.

Conditions:

- (1) Land owners or their representatives planning or conducting activities described above must contact Water Board staff in writing within seven (7) days of initiating these activities and provide the location and a description of the activities being conducted.
- (2) **Condition for activities within the Little Truckee, Truckee River, or Lake Tahoe HUs only:** If timber harvest and vegetation management activities are planned within 100-year floodplains (as defined in Attachment A) of the Little Truckee River, Truckee River, or Lake Tahoe HUs, or Lake Tahoe HU SEZs (as defined in Attachment A), waste discharge prohibitions may apply. Review Attachment N to verify if any proposed activities would need a Basin Plan prohibition exemption prior to proceeding.
- (3) Slash, chipped, and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs (as defined in Attachment B) compressed slash, chipped, and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.

- (4) Post-fire emergency activities conducted under Category 3 are exempt from monitoring and reporting unless the Executive Officer imposes individual monitoring requirements based upon potential water quality impacts related to the activities. If a U.S. Forest Service Burned Area Emergency Response (BAER) report or similar is prepared independent of Water Board requirements, the land owner or representative must make a copy available to Water Board staff upon request.
- (5) All activities conducted under Category 3 must comply with the General Conditions of this Timber Waiver, set forth in Section C, above, and meet the category-specific eligibility criteria listed above.

Category 4: Activities that rely on existing roads, meet the following 11 criteria, and may include winter-period operations

Eligibility Criteria:

Activities that may proceed under this category must meet the following eligibility criteria:

- (1) No construction of new temporary or permanent roads.
- (2) No widening of watercourse crossings or road surfaces.
- (3) No construction of new watercourse crossings except for the construction of over-snow watercourse crossings.
- (4) The use of up to one crossing of a dry Class III watercourse per ¼ mile of stream length that does not disturb the bed or banks of the stream channel. Prior to use operable (as defined in Attachment A) soil conditions must exist and the crossing shall be passable by standard production 4-wheel drive vehicles without any grading or excavation of the stream bed or banks or crossing approaches.
- (5) No tractor, vehicle, or equipment operations within SEZs (as defined in Attachment A) or WBBZs (as defined in Attachment B), except for:
 - (a) Use and maintenance of existing roads and crossings;
 - (b) Up to one crossing of a dry Class III watercourse per ¼ mile of stream as described in Criteria 4, above;
 - (c) Use of equipment with ground pressures less than 13 psi at distances greater than 25 feet from a waterbody, when soils are operable;
 - (d) When snow depth is sufficient to not allow visible disturbance of soils or
 - (e) When hard frozen conditions exist (as defined in Attachment A)
- (6) No mechanical site preparation (as defined in Attachment A).
- (7) No activities on slopes greater than 60%, except for aerial or cable operations.

- (8) No tractor, vehicle, or equipment operations on slopes greater than 50%.
- (9) No construction of new skid trails on slopes greater than 40%, except over-snow operations.
- (10) No construction of landings requiring earthwork (i.e., grading or excavation) on slopes greater than 20% within 200 feet of a watercourse and where there is potential for sediment delivery to a waterbody due to soil disturbances.
- (11) No tractor, vehicle, or equipment operations on soils with high or extreme erosion hazard rating, known slides, or unstable areas, except over-snow operations.

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above must comply with the following conditions in order to proceed under this Timber Waiver category:

- (1) Submit a complete Category 4 Application Form (Attachment C). Activities may begin upon verification from Water Board staff that an application was received as determined by a notice of receipt from Water Board staff or by confirmation of delivery by the United States Postal Service or other private carrier.
- (2) Pursuant to Water Code section 13267, **Implementation monitoring**, as described in the Category 4 Implementation Monitoring Form (Attachment D), must be completed before November 15 of every year for the duration of activities. Monitoring information must be submitted to the Water Board by January 15 of the following year.
- (3) Pursuant to Water Code section 13267, if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A), the enrollee must comply with the Category 4 **Daily Winter-Period Monitoring Program** (Attachment E) and conduct Winter Implementation Monitoring (Attachment H). Data accumulated during this monitoring must be retained by the enrollee and submitted July 15 of every year.
- (4) Over-snow watercourse crossings may be constructed as long as they are removed at the conclusion of operations or before a rain event if there is a risk of diversion or obstruction of the natural flow of water within the channel. Removal of such watercourse crossings must be done without disturbing watercourse bed or banks.
- (5) Facilities that cross Class I watercourses that support fish must be installed and maintained so as to allow for unrestricted passage of fish during all life stages.
- (6) In the Truckee River, Little Truckee River, and Lake Tahoe HUs, only 13 psi CTL equipment may operate within 100-year floodplains (as defined in Attachment A) or Lake Tahoe SEZs without a Basin Plan prohibition exemption, provided the conditions of Table N1 (in Attachment N) are met. Enrollees proposing other

equipment or activities on volcanic soils must apply for a Basin Plan prohibition exemption for Executive Officer consideration under Category 6 of the waiver.

- (7) Tractor, vehicle, or equipment operations on roads or anywhere outside WBBZs and SEZs must be limited to:
 - (a) Times of the year when soils are not saturated (as defined in Attachment A);
or
 - (b) Over hard-frozen soil conditions; or
 - (c) When snow depth is sufficient to not allow visible disturbance of soils.
- (8) Prior to the commencement of activities within WBBZs, trees with a DBH greater than three inches planned for removal, or trees designated for retention, must be marked (including a base mark below the cutline) or designated by written prescription and/or sample mark. However, all trees greater than 14-inch DBH planned for removal within WBBZs must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a(n):
 - (a) RPF or an individual under the direct supervision of a RPF;
 - (b) Federal Forestry Professional (as defined in Attachment A) or an individual under the direct supervision of a Federal Forestry Professional; or
 - (c) Natural Resource Professional or an individual under the direct supervision of a Natural Resource Professional.
- (9) Activities must not cause or create erosion, destabilization of stream banks, temperature increases in waterbodies, disturbance to non-target vegetation within WBBZs, or concentrated surface runoff.
- (10) Slash, chipped, and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs, compressed slash, chipped, and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
- (11) All completed areas disturbed by activities must be stabilized at the conclusion of operations or before the winter period (whichever is sooner). For winter operations, areas must be stabilized prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.
- (13) In areas where tractors, vehicles, or equipment are operated over-snow the following must be clearly marked for operator visibility:
 - (a) All waterbodies;
 - (b) Culverts; and
 - (c) Stream crossings.
- (14) Plowing of roads, landings, and turnouts during over-snow operations must allow for adequate road drainage, and must not:

- (a) Expose soils;
- (b) Damage road surfaces and associated drainage structures; or
- (c) Result in concentrated flows of snowmelt and runoff that has the potential to reach a waterbody.

(15) The following conditions apply to prescribed fire:

- (a) Areas burned within WBBZs must be left in a condition such that waste, including ash, soils, and/or debris will not discharge to a waterbody;
- (b) If fuel breaks are constructed, effective waterbreaks must be constructed at the end of burning operations or prior to sunset if the National Weather Service forecast is a “chance” (30% or more) of rain within the next 24 hours;
- (c) Broadcast burning (as defined in Attachment A) is allowed as long as the prescription does not include active ignition within WBBZs.
- (d) Burn piles may be placed within WBBZs under all of the following circumstances:
 - i. Piles must not be located within 100-year floodplain of any watercourse;
 - ii. Piles must be located a minimum of 25 feet from any waterbody
 - iii. Piles must be limited in size to no more than 10 feet in diameter;
 - iv. No more than 10% of a treatment acre within the WBBZ shall be covered in piles.;
 - v. No placement or burning of burn piles within SEZs in the Lake Tahoe HU;

(Note: Prescribed fire within WBBZs that do not meet the above conditions may be authorized pursuant to an activity-specific notification under Category 6. See General Provision 2 in Section B above.)

(16) Pursuant to Water Code section 13267, notify the Water Board in writing at least **30 days prior** to the proposed application of pesticides (as defined in Attachment A), except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:

- (a) Type of pesticide
- (b) Method and area of application
- (c) Projected date of application
- (d) Measures that will be employed to assure compliance with the Basin Plan.
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.

(17) Upon completion of timber harvest or vegetation management activities, enrollees must submit an Implementation Monitoring Form (Attachment D) and request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Activity Completion Form.

The enrollee and the activities 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 Timber Waiver. Prior to approving (or declining) termination, Water Board staff may inspect the project area.

- (18) All activities conducted under Category 4 must comply with the General Conditions of this Timber Waiver, set forth in Section C, above, and meet the category-specific eligibility criteria listed above.

<p>Category 5: CAL FIRE approved Plans (including Timber Harvest Plans, Non-Industrial Timber Management Plans, other Plans, and Amendments)</p>

Eligibility Criteria:

Activities eligible under this category must meet the following criteria:

- (1) The Timber Harvest Plan or Nonindustrial Timber Management Plan (Plan) has been approved by CAL FIRE.
- (2) If recommendations have been made by Water Board staff during the CAL FIRE Review Team process, they have been incorporated into the approved Plan or the Timber Waiver application (if not, apply under Category 6, or submit individual Report of Waste Discharge).

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above must comply with the following conditions in order to proceed under this Timber Waiver category:

- (1) Submit a complete Category 5 Application Form (Attachment F). Activities may begin upon verification from Water Board staff that an application was received as determined by a notice of receipt from Water Board staff, or by confirmation of delivery by the United States Postal Service or other private carrier.
- (2) An RPF has clearly indicated (within the approved Plan) whether the proposed activities could occur within or affect the following areas:
 - (a) Aquatic or wetland habitat;
 - (b) Known landslides or unstable areas; and
 - (c) Areas of high or extreme erosion hazard rating.
- (3) An RPF has clearly indicated (within the approved Plan or as an addendum to the Timber Waiver application) whether the following conditions are present within the Plan area:

- (a) Overflow channels resulting from the obstruction of stream flow or stream diversions; or
 - (b) Culverts showing evidence of inadequate flow capacity.
- (4) An RPF has clearly indicated (within the approved Plan or as an addendum to the Timber Waiver application) whether the following activities will occur:
- (a) Use of new or existing skid trails on slopes greater than 50% (or 30% in the Lake Tahoe HU). The identification of individual trails or the shading of areas planned for skid trail construction or reconstruction can satisfy this condition;
 - (b) Construction of new watercourse crossings and/or the modification of existing watercourse crossings;
 - (c) Landings or skid trails (including existing landings and skid trails and/or those to be constructed or reconstructed) proposed for use during timber harvest and vegetation management activities for which any portion of the landing or skid trail lies within a WBBZ (as defined in Attachment B);
 - (d) Equipment operations or chip placement within WBBZs, Lake Tahoe, Truckee River, or Little Truckee River HUs 100-year floodplains (as defined in Attachment A), or Lake Tahoe HU SEZs (as defined in Attachment A); or
 - (e) Prescribed fire within WBBZs, Lake Tahoe HU SEZs, or Lake Tahoe, Truckee River, or Little Truckee River HUs 100-year floodplains.
- (5) If any of the activities or conditions listed above (in Conditions 2 through 4) exist or are proposed, an RPF must provide within the approved Plan or Timber Waiver application, project modifications and/or mitigation measures to avoid any adverse impact(s) to water quality. The project must be conducted in accordance with the Plan and waiver application.

Within the Lake Tahoe, Little Truckee River, and Truckee River HUs, Basin Plan prohibitions may apply (see Attachment N). If an exemption is required, the enrollee must request an exemption and provide additional information in the Plan or as an addendum to the Waiver application to address the required Basin Plan findings and criteria. The Executive Officer must grant an exemption before activities subject to the prohibitions may occur.

- (6) Facilities that cross watercourses that support fish must be installed and maintained so as to allow for unrestricted passage of fish during all life stages.
- (7) Culverts at watercourse crossings in which water is flowing at the time of installation shall be installed using methods to temporarily isolate or divert stream flows from the culvert installation area.
- (8) Permanent watercourse crossings and approaches shall be installed and maintained to accommodate 100-year flood flows and associated debris.
- (9) Vegetation, other than target species (as defined in Attachment A), that is found along waterbodies, or within or bordering meadows and wet areas, must be

retained and protected during timber harvest and vegetation management activities, unless they have been marked or designated by written prescription for removal by an RPF or supervised designee to achieve fuel reduction goals or riparian forest health.

- (10) Pursuant to Water Code section 13267, comply with the **Monitoring and Reporting Program** described in the Category 5 Application Form (Attachment F), or as directed by the Executive Officer. As noted on the Category 5 Application Form, there are two instances where enrollees may temporarily suspend effectiveness and forensic monitoring:
- (a) Under certain extended periods where no site activities will occur between the last effectiveness monitoring after ground disturbing activities are completed and the stocking activities have resumed; or
 - (b) Where project operations have commenced and are then subsequently suspended indefinitely by events above and beyond the control of the enrollee (e.g., large wildfires flooding mills with “black logs” while green logs are refused).

Under either of these temporary monitoring suspensions, the enrollee must agree that no project-related equipment shall enter the project sites during these periods of inactivity, either on or off roads. The enrollee must note these periods of inactivity on the annual monitoring reports and include an explanation for the temporary suspension. During these interim periods, the Timber Waiver shall remain in effect and monitoring shall resume either at the request of Water Board staff at any time (e.g., if a large storm event occurred during this period) or when on site equipment operations have resumed.

- (11) Pursuant to Water Code section 13267, notify the Water Board in writing at least **30 days prior** to the proposed application of pesticides (as defined in Attachment A), except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:
- (a) Type of pesticide;
 - (b) Method and area of application;
 - (c) Projected date of application; and
 - (d) Measures that will be employed to assure compliance with the Basin Plan

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.

- (12) Pursuant to Water Code section 13267, upon completion of timber harvest activities enrollees must request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Activities Completion Form.

The project and the enrollee 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 Timber Waiver.

- (13) Activities conducted under Category 5 must comply with the General Conditions of this Timber Waiver, as set forth in Section C, above, and meet the category-specific eligibility criteria listed above.

Category 6: Activities that do not qualify for Categories 1 – 5, and may include burning or equipment operations within Waterbody Buffer Zones, 100-year Floodplains, or Stream Environment Zones.

Eligibility Criteria:

Activities that do not qualify under Categories 1 – 5, including Federal and Non-Federal post-fire rehabilitation projects that cannot meet the conditions of Category 3, may be eligible under this category if the enrollee adheres to the following conditions.

Conditions:

Enrollees conducting activities meeting the eligibility criteria listed above must comply with the following conditions in order to proceed under this Timber Waiver category:

- (1) Submit a complete Category 6 Application Form (Attachment K). Activities may begin once Water Board staff has notified the enrollee that their application is complete, or **30 days** following receipt of an application by Water Board staff as determined by a notice of receipt from Water Board staff, or by confirmation of delivery by the United States Postal Service or other private carrier.
- (2) An RPF, Federal Forestry Professional (as defined in Attachment A), or Natural Resource Professional has clearly indicated (within certified environmental documents completed in compliance with CEQA and/or NEPA, or within the Timber Waiver Application submitted to the Water Board) whether proposed activities could occur within or affect the following:
 - (a) Known landslides or unstable areas;
 - (b) Areas of high or extreme erosion hazard rating;
 - (c) Overflow channels, flood prone areas, and riparian areas; or
 - (d) Aquatic or wetland habitat
- (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 are present within the project area:
 - (a) Overflow channels resulting from the obstruction of stream flow or stream diversions;
 - (b) Culverts showing evidence of inadequate flow capacity; or
 - (c) Migrating channels or erodible watercourse banks.

- (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:
- (a) Skid trails on slopes greater than 50% (greater than 30% in Lake Tahoe HU);
 - (b) Construction of new watercourse crossings and/or modification of existing watercourse crossings;
 - (c) Landings and skid trails (including existing landings and skid trails and/or those to be constructed or reconstructed) proposed for use during timber harvest and vegetation management activities for which any portion of the landing or skid trail lies within a WBBZ (as defined in Attachment B);
 - (d) Equipment operations within WBBZs or Lake Tahoe HU SEZs (as defined in Attachment A) or Lake Tahoe, Truckee River, or Little Truckee River HU 100-year floodplains (as defined in Attachment A);
 - (e) Prescribed fire within WBBZs, Lake Tahoe HU SEZs, or Lake Tahoe, Truckee River, or Little Truckee River HUs 100-year floodplains; or
 - (f) New roads within the Tahoe HU.
- (5) If any of the activities or conditions listed above (in Conditions 2 through 4) exist or are proposed, the enrollee must, in the application, NEPA, and/or CEQA document, explain and justify the proposal and provide project modifications and/or mitigation measures to avoid any adverse impact(s) to water quality. If details and mitigation 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 noted. The project must be conducted in accordance with environmental documents and the waiver application (including implementation of design features and mitigation measures).

Within the Lake Tahoe, Little Truckee River, and Truckee River HUs, Basin Plan prohibitions may apply (see Attachment N). If an exemption is required, the enrollee must request an exemption and provide additional information in the Plan or as an addendum to the Waiver application to address the required Basin Plan findings and criteria including additional project specific monitoring to evaluate effects. The enrollee may also include project trigger(s) (as defined in Attachment A) or thresholds where activities will stop if the trigger(s) are reached. The enrollee will propose the appropriate and quantifiable triggers. However, if the enrollee does not propose trigger(s), or fails to propose trigger(s) adequate to prevent discharge, Water Board staff will work with the enrollee to develop appropriate trigger(s). The Executive Officer must grant an exemption before activities subject to the prohibitions may occur.

- (6) Pursuant to Water Code section 13267, comply with the **Monitoring and Reporting Program** described in the Category 6 Application Form (Attachment K) or as directed by the Executive Officer. If a BAER report or similar is prepared, this must be submitted to Water Board staff upon request.

- (7) Pursuant to Water Code section 13267, if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A), the enrollee must comply with the Category 6 **Daily Winter-Period Monitoring Program** (Attachment E). Data accumulated during this monitoring must be retained by the enrollee and submitted July 15 of every year.
- (8) Over-snow watercourse crossings may be constructed as long as they are removed at the conclusion of operations or before a rain event if there is a risk of diversion or obstruction of the natural flow of water within the channel. Removal of such watercourse crossings must be done without disturbing watercourse bed or banks.
- (9) Tractor, vehicle, or equipment operations on existing roads, or off roads outside WBBZs, must be limited to:
 - (a) When soils are not saturated (as defined in Attachment A); or
 - (b) When hard-frozen soil conditions exist (as defined in Attachment A); or
 - (c) When snow depth is sufficient to not allow visible disturbance of soils.
- (10) Off existing roads within WBBZs, tractor, vehicle, or equipment operations can occur under Conditions 4(d) and 5, above, when (a), (b), or (c) below applies :
 - (a) When soils are operable (as defined in Attachment A); or
 - (b) When hard-frozen soil conditions exist; or
 - (c) When snow depth is sufficient to not allow visible disturbance of soils.
- (11) Within SEZs in the Lake Tahoe HU and 100-year floodplains of the Lake Tahoe, Truckee River, and Little Truckee River HUs, only CTL equipment with ground pressures less than or equal to 13 psi may be used without need for a Basin Plan prohibition exemption provided the conditions of Table N1 (in Attachment N) are met.
- (12) If operating within the sensitive areas described under Condition 11, above, CTL equipment must travel only over areas that have been scattered with sufficient limbs and tree tops to prevent rutting or compaction of underlying soils and minimize damage to native SEZ vegetation. The CTL Forwarder, or other low ground pressure method, shall remove this slash bed when backing out of a completed unit; sufficient slash shall be left to provide adequate ground cover (as defined in Attachment A).
- (13) In areas where sufficient slash is unavailable to adequately control erosion, the applicant shall identify and approximately map these areas, and detail equally-protective mitigation measures in the Timber Waiver application and apply for a Basin Plan prohibition exemption. In developing alternative mitigation measures to driving on a bed of slash where sufficient slash is not available, the applicant shall, at a minimum, create waterbreaks on these CTL equipment trails in accordance with the 2013 California FPRs, CCR, title 14, section 914.6. Waterbreaks or more

protective mitigation measures shall be either created by hand work or using the CTL equipment as it is backing out of the unit.

- (14) Within 100-year floodplains of Lake Tahoe, Truckee River, and Little Truckee River HUs, and Lake Tahoe HU SEZs, other equipment may be used provided the Executive Officer has granted an exemption to the Basin Plan Prohibition (see Attachment N).
- (15) All areas disturbed by timber harvest and vegetation management activities must be stabilized at the conclusion of operations or before the winter period, whichever is sooner.
- (16) Slash, chipped, and masticated material must not be discharged to waterbodies, or be deposited in locations where such material may discharge to a waterbody. Within WBBZs, compressed slash, chipped, and masticated material must not exceed an average of two inches in depth, with a maximum depth of four inches.
- (17) Facilities that cross Class I watercourses that support fish must be installed and maintained so as to allow for unrestricted passage of fish during all life stages.
- (18) Culverts at watercourse crossings in which water is flowing at the time of installation shall be installed using methods to temporarily isolate or divert stream flows from the installation area.
- (19) Permanent watercourse crossings and approaches shall be installed and maintained to accommodate 100-year flood flows and associated debris.
- (20) Prior to the commencement of timber harvest and vegetation management activities within WBBZs, trees with a DBH greater than three inches planned for removal, or trees designated for retention, must be marked (including a base mark below the cutline) or designated by written prescription and/or sample mark. However, all trees greater than 14-inch DBH planned for removal within WBBZs must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a(n):
 - (a) RPF or an individual under the direct supervision of a RPF;
 - (b) Federal Forestry Professional or an individual under the direct supervision of a Federal Forestry Professional; or
 - (c) Natural Resource Professional or an individual under the direct supervision of a Natural Resource Professional.
- (21) Vegetation, other than target species (as defined in Attachment A), that is found along waterbodies, or within or bordering meadows and wet areas, must be retained and protected during timber harvest and vegetation management activities.

- (22) The following conditions apply to prescribed fire within 100-year floodplains, WBBZs, or SEZs):
- (a) Slash piles must not be located within the 100-year floodplain of any watercourse or within 25 feet of a watercourse;
 - (b) Piling and burning of slash within SEZs and WBBZs may be conducted provided the requirements of Attachment Q are adhered to. Enrollees proposing SEZ pile burning activities that don't meet the requirements in Attachment Q must apply for a Basin Plan prohibition exemption under this Timber Waiver category;
 - (c) Authorization for piling and burning slash not meeting the conditions in (a) or (b) above will be considered by the Executive Officer following Water Board staff review of burn plan(s) or supplemental information submitted with the Timber Waiver Category 6 Application that includes site specific information such as, but not limited to:
 - i. Soil type(s);
 - ii. Vegetative cover;
 - iii. Minimum distances from waterbodies;
 - iv. Topography;
 - v. Percent of area to be burned within the WBBZ and/or SEZ;
 - vi. Explanation why burn piles within the WBBZ and/or SEZ is proposed; and
 - vii. Monitoring and mitigation measures or project design features to be implemented to ensure no significant adverse environmental effects will occur.
 - (d) Broadcast burning (as defined in Attachment A) is allowed as long as the prescription does not include active ignition within SEZs or WBBZs;
 - (e) These activities will be subject to additional monitoring and reporting requirements pursuant to Water Code section 13267 (e.g., vegetative recovery, invasive species, evidence of erosion or transport of ash);
 - (f) Areas burned within WBBZs must be left in a condition such that ash, soils, and/or debris will not discharge to a waterbody; and
 - (g) If fuel breaks are constructed, effective waterbreaks must be constructed at the end of burning operations or prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.
- (23) Pursuant to Water Code section 13267, notify the Water Board in writing at least **30 days prior** to the proposed application of pesticides (as defined in Attachment A), except for application of borax and/or sporax directly to tree stumps. The written notice must include the following:
- (a) Type of pesticide;
 - (b) Method and area of application;
 - (c) Projected date of application; and
 - (d) Measures that will be employed to assure compliance with the Basin Plan.

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.

- (24) Pursuant to Water Code section 13267, upon completion of activities enrollees must request termination of coverage under the Timber Waiver in accordance with Attachment M, Notice of Activity Completion Form.
- (25) The project and the enrollee 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 Timber Waiver. Prior to approving (or declining) termination, Water Board staff may inspect the project area.
- (26) Activities conducted under Category 6 must comply with the General Conditions of this Timber Waiver, as set forth in Section C, above, and meet the category-specific eligibility criteria listed above.

E. CERTIFICATION

I, Patty Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on April 10, 2014.



PATTY KOUYOUMDJIAN
EXECUTIVE OFFICER

- for
- | | |
|--------------|---------------------------------------------------------------------|
| Attachments: | A: Definitions and List of Acronyms |
| | B: Waterbody Buffer Zones |
| | C: Category 4 Application Form and Monitoring and Reporting Program |
| | D: Category 4 Implementation Monitoring Form |
| | E: Category 4 and 6 Daily Winter Period Monitoring Program |
| | F: Category 5 Application Form and Monitoring and Reporting Program |
| | G: Fall Implementation Monitoring Form (Category 5 & 6) |
| | H: Winter Implementation Monitoring Form (Category 4, 5 & 6) |
| | I: Forensic Monitoring Form (Category 5 & 6) |
| | J: Effectiveness Monitoring Form (Category 5 & 6) |
| | K: Category 6 Application Form and Monitoring and Reporting Program |
| | L: Photo-Point Monitoring Form |
| | M: Notice of Activity Completion Form |

- N: Waste Discharge Prohibition and Exemption Information for the Little Truckee, Truckee River, and Lake Tahoe Hydrologic Units
- P: Summary of Monitoring and Reporting Required for Categories 4, 5, and 6
- Q: Requirements for Pile Burning within SEZs or Waterbody Buffer Zones

Definitions and List of Acronyms

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

100-YEAR FLOODPLAIN	<p>areas determined based on delineations completed or approved by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, or an individual qualified to make floodplain delineations. If these agencies have not completed formal delineations the Water Board staff may agree to the use of best professional judgment; field verification by staff may be needed. These areas include land adjacent to waterbodies that extend to the outer perimeter of lands which experience flooding or are inundated with water during 100-year flood events. At a minimum, enrollees shall designate the 100-year floodplain area to encompass the bed and bank of any ephemeral drainage course. If other indicators are present such as wet vegetation on terraces, or other high water indicators, such as stranded debris, these should also be taken into consideration. For cases of unconfined channels, other indicators may need to be considered.</p> <p>Within the Lake Tahoe Hydrologic Unit 100-year floodplains are sometimes, but not always, included within Stream Environment Zones (SEZs), as defined below. A floodplain only qualifies as SEZ if other secondary indicators of a SEZ are present. If a 100-year floodplain is considered a SEZ, the SEZ prohibitions and exemption criteria apply. (Basin Plan Section 5.7).</p>
ADEQUATE GROUND COVER	<p>means that 85% ground cover has been provided to a depth not to exceed an average of two inches with a maximum of four inches, to prevent erosion in disturbed areas. "Ground cover" means slash, wood chip, or masticated material, and includes sufficient existing surface rock, needle cast, and brush or other vegetative matter in contact with the soils. Where slash is used as a ground cover, contact with the soil is more important than "depth," and "depth" shall be considered only where slash has been tracked over to provide full contact with the soils. Existing ground cover shall be considered sufficiently effective where monitoring supports that the rock or vegetation retain soils, reduce raindrop splash, prevent erosion, and promote infiltration.</p>
BROADCAST BURNING	<p>means the use of fire to achieve ecological or fuel reduction benefits. It does not include burning of organic matter which is</p>

	piled during mechanical site preparation or the ignition of 'burn piles' as defined below.
BURN PILE	means hand and machine constructed piles of organic materials (e.g., slash, branches, limbs, stumps, biomass) intended for burning.
BURN SCAR (AS USED IN ATTACHMENT Q)	means the area under a slash pile which exhibits signs of complete loss of surface organic material down to bare mineral soil, following prescribed burning.
CHANNEL MIGRATION ZONE	means the area where the main channel of a watercourse can reasonably be expected to shift position on its floodplain laterally through avulsion or lateral erosion during the period of time required to grow forest trees from the surrounding area to a mature size, except as modified by a permanent levee or dike. The result may be the loss of beneficial functions of the riparian zone or riparian habitat.
CRITICAL DIP	means a low point, or overflow structure, in the road near or at a watercourse crossing designed to prevent the diversion of high flows in the event that the crossing or culvert becomes plugged or flow capacity is exceeded. To be properly installed, critical dips should be on the downhill side of a crossing.
CUT-TO-LENGTH	Cut-to-length (CTL) logging means a mechanized harvesting system in which trees are delimbed and cut to length directly at the stump. CTL is typically a two-man, two-machine operation with a harvester felling, delimiting, and bucking trees and a forwarder transporting the logs from the felling to a landing area close to a road accessible by trucks. Both pieces of equipment are designed to operate on the slash and limbs generated during harvesting operations, with limited ground contact or disturbance.
DIAMETER AT BREAST HEIGHT	means the diameter of the tree measured outside bark, at breast height, a point 4.5 feet (1.37 m) above the average ground level.
EFFECTIVENESS MONITORING	means visual evaluation of management measures (e.g., erosion control, water body buffer zones, waterbreaks, critical dips, burn scar impacts/vegetative recovery) following the winter period (between March 15 and June 15) to determine the effectiveness of the measures in preventing sediment discharge to waterbodies.
ENROLLEE(S)	means the landowner(s), duly authorized representative of the landowner, and anyone working on behalf of the landowner in the conduct of timber harvest and vegetation management; includes any city, county, district, the state, and the United States, to the

	extent authorized by federal law (Water Code section 13050, subdivision c).
FEDERAL FORESTRY PROFESSIONAL	means a person employed by the federal government meeting the requirements of the Federal Forestry Series (GS-460) of the U.S. Office of Personnel Management.
FORENSIC MONITORING	means visual monitoring of surface waters (e.g., lakes and streams) and Waterbody Buffer Zones to identify evidence of sediment delivery and/or locate sources of sediment delivery (or potential delivery) to a waterbody so that corrective actions may be taken to prevent or reduce sediment discharges to waterbodies.
FUEL BREAK	A strip of hand or machine modified land surface designed to stop the progress of a prescribed fire or wildfire.
GROUND-BASED EQUIPMENT OPERATIONS	includes tractor, vehicle, equipment, and heavy equipment operations. Does not include work conducted by hand crews, helicopter, or cable yarding.
HAND CREW OPERATIONS	means cutting vegetation with a chainsaw or hand saw and manually piling material onsite or removing material with the use of motorized equipment limited to existing roads (except chippers and/or brush mowers). Includes prescribed burning and the construction of fuel breaks.
HARD-FROZEN SOIL CONDITIONS	means frozen soil conditions where operated vehicles, tractors, and equipment can travel without sinking into soil, road, or landing surfaces to a depth of more than two inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.
IMPLEMENTATION MONITORING	means visual monitoring of project areas (including roads, stream crossings, landings, burn scars) to ensure all management practices designed to prevent sediment delivery and protect water quality (e.g., erosion control measures, riparian buffers, waterbreaks, critical dips) are in place and secure prior to the winter period, and at the conclusion of winter operations if winter operations occur.
LANDING	means that area where forest products are concentrated prior to additional processing or removal from site.
MECHANICAL SITE PREPARATION	means any activity involving mechanical disturbance of soils which is performed before, during, or after completion of vegetation management activities, associated with preparation of any portion of the project area for artificial or natural

	regeneration.
NATURAL RESOURCE PROFESSIONAL	means a person with a bachelor’s degree or higher in a biological, ecological, or other relevant science (e.g., soils, hydrology, botany, fisheries) and at least six months of relevant experience. This person is not a substitute for a Registered Professional Forester when one is required by state or federal code or regulation.
OPERABLE (As applied in Categories 2, 4, and 6; and in Attachment N)	means vehicles, tractors, and other equipment use off roads, under moist or wet conditions must not create ruts exceeding two inches in depth and 25 feet in length. No ruts exceeding three inches in depth are allowed. Where project skid trails remain wet in isolated depressions that are less than 50 feet in length (i.e., no more than two such instances within 1000 feet), woody debris, weed-free straw, or landing mats may be brought in to fill and/or span these depressions for operability. The Enrollee must document this activity and provide Water Board staff with a description and explanation of what was done within seven calendar days of implementing this solution. Where appropriate, Water Board staff may require material to be removed prior to project completion.
PESTICIDES	means, for the purposes of this Timber Waiver, to include herbicides, insecticides, fungicides, and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi, or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code section 12753, and Basin Plan Chapter 3).
PRESCRIBED FIRE	means the implementation of a written prescription to burn a designated area under specified environmental conditions. May include broadcast burning or pile burning.
PROJECT	means any “timber harvest and/or vegetation management activity” (as defined below).
SATURATED SOIL CONDITIONS (As applied in Categories 1,2, 4, and 6)	means that site conditions are sufficiently wet that timber operations displace soils in yarding or mechanical site preparation areas or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters (as defined in the Forest Practice Rules), or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements. In yarding and site preparation areas, this condition may be

	<p>evidenced by: (a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, (b) inadequate traction without blading wet soil, (c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or (d) creation of ruts greater than would be normal following a light rainfall.</p> <p>On logging roads and landing surfaces, this condition may be evidenced by (a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, (b) inadequate traction without blading wet soil, (c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, (d) pumping of road surface materials by traffic, or (e) creation of ruts greater than would be created by traffic following normal road watering, which transports surface material to a drainage facility that discharges directly into a watercourse.</p> <p>Soils or road and landing surfaces that are hard frozen are excluded from this definition. (California Code of Regulations, title 14, section 895.1.).</p>
<p>SKID TRAIL</p>	<p>means constructed trails or established paths used by tractors or other vehicles for skidding logs. Also known as tractor roads. (California Code of Regulations, title 14, section 895.1.)</p>
<p>STABILIZED</p>	<p>means exposed soils and unstable areas have been treated in such a manner that there is low risk of such soils discharging to a waterbody via runoff, slumping, or wind erosion. Appropriate treatment can vary and can include, but is not limited to:</p> <ul style="list-style-type: none"> • cover with mulch (weed free straw, slash, etc.), rocks, tarp, etc. • relocation of excess material to an area that is stable, well drained, isolated from wet areas or watercourses, and where wind exposure is limited • sloping back excess material to a stable angle • hydroseeding, seeding and/or planting • temporary construction erosion control measures (e.g., fiber rolls, silt fences, erosion control blankets, tarps) <p>Note: Minimization of soil disturbance and soil stabilization (as described above) are the best and most cost-effective method of preventing sediment delivery. Trying to capture sediment once it is dislodged is much more difficult, costly, and is less likely to</p>

	succeed.
<p>STREAM ENVIRONMENT ZONE (SEZ) (A term only used within the Lake Tahoe Hydrologic Unit)</p>	<p>means biological communities that owe their characteristics to the presence of surface waters or a seasonal high groundwater table. The criteria used for field identification and delineation of SEZs are unique to the Lake Tahoe Hydrologic Unit and are described below.</p> <p>The following criteria have been adopted by the Tahoe Regional Planning Agency (TRPA). A Stream Environment Zone is determined to be present if any one of the following key indicators is present, or in the absence of a key indicator, if any three of the following secondary indicators are present. Soil types are discussed in Volume I of the TRPA's Water Quality Management Plan for the Lake Tahoe Region. Plant communities are identified in accordance with the definitions and procedures contained in the report entitled <i>Vegetation of the Lake Tahoe Region, A Guide for Planning</i> (TRPA 1971).</p> <p>1. Key Indicators:</p> <ul style="list-style-type: none"> (a) Evidence of surface water flow, including perennial, ephemeral, and intermittent streams, but not including rills or man-made channels; or (b) Primary riparian vegetation; or (c) Near surface groundwater; or (d) Lakes or ponds; or (e) Beach (Be) soils; or (f) One of the following alluvial soils: <ul style="list-style-type: none"> (i) Elmira loamy coarse sand, wet variant (Ev) (ii) Marsh (Mh). <p>2. Secondary Indicators:</p> <ul style="list-style-type: none"> (a) Designated floodplain (b) Groundwater between 20-40 inches (c) Secondary riparian vegetation (d) One of the following alluvial soils: <ul style="list-style-type: none"> (i) Loamy alluvial land (Lo), or (ii) Celio gravelly loamy coarse sand (Co), or (iii) Gravelly alluvial land (Gr). <p>TRPA's official land capability maps shall be used to identify SEZs initially, but are subject to field verification in every instance.</p> <p>The boundary of a SEZ is the outermost limit of the key indicators; the outermost limit where three secondary indicators coincide; or if Lo, Co or Gr soils are present, the outermost limit where two secondary indicators coincide, whichever establishes</p>

	<p>the widest SEZ at any point. The outermost boundaries of a stream are the bank-full width of such stream which is defined as the level of frequent high flow, i.e., the level of flood with a recurrence interval of approximately 1.5 years. Other definitions of terms used in the criteria above are given in pages 10 – 12 of the TRPA Water Quality Management Plan for the Lake Tahoe Region.</p> <p>Note that SEZs can include bodies of open water as well as wet meadows without defined stream channels. SEZs are generally identical with Bailey land capability Class 1b lands (See TRPA Water Quality Management Plan for the Lake Tahoe Region).</p> <p>This definition is subject to change if the TRPA amends the definition or criteria for SEZs and such changes or amendments are approved by the California State Water Resources Control Board. (Basin Plan Section 5.7)</p>
STRUCTURE	<p>means an approved and legally permitted existing structure (such as residential or commercial building) that complies with the California Building Code (or which pre-dates the building code). Does not include existing roads, power lines, or trails.</p>
TARGET SPECIES	<p>means vegetation and/or tree species that are deliberately selected for removal, reduction, or management to accomplish the project's intended purpose, as specified in the project application, Plan or other submittal.</p>
TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES	<p>means all activities related to the management of vegetation for the purposes of fuel reduction; forest thinning; and/or environmental improvement (such as forest enhancement, riparian enhancement, and aspen stand enhancement); prescribed burning; cutting or removal of trees and vegetation, together with all the work incidental thereto, including, but not limited to, construction, reconstruction, maintenance, and decommissioning of roads, fuel breaks, stream crossings, landings, skid trails, or beds for the falling of trees; burned area rehabilitation, hazard tree removal; site preparation that involves disturbance of soil, burning of vegetation, or herbicide/pesticide application. Activities do not include aquatic vegetation management, preparatory tree marking, surveying, or road flagging.</p>
TRIGGER	<p>is a quantifiable target or value that represents a measurement below or before a significant negative impact occurs, so that if the trigger value is reached (e.g. measured soil disturbance), operations causing the discharge are stopped and alternative</p>

	actions taken.
UNDEVELOPED LOT	means parcels without buildings or structures, up to three acres in size, that are interspersed in areas of <u>existing</u> urban land uses (e.g., residential, commercial or industrial uses). Undeveloped lots include such parcels owned by public agencies within a recognized urban or community boundary.
UNSTABLE AREAS	are characterized by slide areas or unstable soils or by some or all of the following: hummocky topography consisting of rolling bumpy ground, frequent benches, and depressions; short irregular surface drainages begin and end on the slope; tension cracks and head wall scarps indicating slumping are visible; slopes are irregular and may be slightly concave in upper half and convex in lower half as a result of previous slope failure; there may be evidence of impaired ground water movement resulting in local zones of saturation within the soil mass which is indicated at the surface by sag ponds with standing water, springs, or patches of wet ground. Some or all of the following may be present: hydrophytic (wet site) vegetation prevalent; leaning, jackstrawed or split trees are common; pistol-butted trees with excessive sweep may occur in areas of hummocky topography (note: leaning and pistol butted trees should be used as indicators of slope failure only in the presence of other indicators). (California Code of Regulations, title 14, section 895.1.)
VEGETATIVE RECOVERY	means the re-colonization of the area under a burn pile with native vegetation representative of the vegetative community of the site. This shall be demonstrated by the presence of vegetation throughout (not just around the perimeter) the burn scar and does not include surface mulch or invasive species.
WATERBODY	means “waters of the state” as defined in Water Code section 13050 and includes any surface water and ground water, including, but not limited to, any natural or manmade waterbody, including lakes, ponds, springs, and watercourses. Class I, Class II, Class III, Class IV, and Unclassified Waterbodies are defined in Attachment B.
WATERBODY BUFFER ZONE	means a strip of land, along all sides of a waterbody, where additional avoidance measures and management practices are required for protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources, and for controlling erosion. Please refer to Attachment B for further explanation.

WATERBREAK	means a ditch, dike, or dip, or a combination thereof, constructed diagonally across logging roads, skid trails, and fuel breaks so that runoff flow is interrupted and effectively diverted to discharge to non-erodible or vegetated areas that will not result in delivery of sediment to a waterbody. Also known as waterbars.
WATERCOURSE	means any well-defined channel with distinguishable bed and bank showing evidence of having contained flowing water indicated by deposit of rock, sand, gravel, or soil. Watercourse also includes manmade watercourses (California Code of Regulations, title 14, section 895.1.).
WATERCOURSE AND LAKE PROTECTION ZONES (WLPZ)	means a strip of land, along both sides of a watercourse or around the circumference of a lake or spring, where additional practices may be required for the protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources and for controlling erosion. (As defined in the 2013 Forest Practice Rules).
WINTER PERIOD	means the period which begins November 15 and ends April 1. Within the Lake Tahoe, Little Truckee River and Truckee River Hydrologic Units, the winter period is between October 15 and May 1.

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

LIST OF ACRONYMS

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

Attachment B
California Regional Water Quality Control Board
Lahontan Region

Determining Width of
Waterbody Buffer Zones

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

The Timber Waiver contains conditions with specific equipment operation limitations and protections near waterbodies. Areas subject to these limitations and protections are called "Waterbody Buffer Zones (WBBZ)."

One way to classify waterbodies is to categorize them as watercourses which tend to have permeable beds which connect surface waters to groundwater. A perennial stream is expected to flow throughout the year, albeit with only small dry-weather flows in some cases. An intermittent stream ceases to flow in dry periods. The flow may occur when the groundwater table is seasonally high, but there will not be flow when the groundwater table is significantly below the stream channel bed level. An ephemeral stream flows only after rain or snow-melt and has no base flow component. Because it may be difficult at times to determine when a watercourse is responding to specific groundwater conditions, this Timber Waiver classifies waterbodies by biological habitat and ability to transport sediment, as defined in the California Code of Regulations, title 14 (2013 Forest Practice Rules) Watercourse and Lake Protection Zones (WLPZs). See Table B1, below.

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

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

Buffer Zone Designations for Class I and II Waters

Buffer Zone widths for Class I and II waters are equivalent to those in the 2013 FPRs, California Code of Regulations (CCRs), title 14, section 916.5, Table 1, "Procedures for Determining Watercourse and Lake Protection Zone Widths and Protective Measures [All Districts]."

Buffer Zone Designations for Class III and IV Waters

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

Measuring Buffer Zone Widths

Waterbody Buffer Zones must be measured along the surface of the ground from the watercourse or lake transition line (as defined in Attachment A, Definitions) or in the absence of riparian vegetation from the top edge of the watercourse bank (2013 FPRs, CCR, title 14, section 916.4, subdivision (b)(3)). Side slope is measured from the watercourse or lake transition line to a point 100 feet upslope from the watercourse or lake transition line, or, in the absence of riparian vegetation, from the top of the watercourse bank where slope configurations are variable, a weighted average method shall be used to determine the sideslope percent (2013 FPRs, CCR, title 14, section 916.5, subdivision (a)(3)).

Table B1. Waterbody Buffer Zone Widths

<u>TYPE OF WATERBODY:</u>	<u>DEFINITION:</u>								
Class I	(1) Domestic supplies, including springs, on site and/or within 100 feet downstream of the operations area, and/or (2) Fish always or seasonally present onsite, includes habitat to sustain fish migration and spawning. Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1								
<table border="1" data-bbox="516 1188 1232 1409"> <thead> <tr> <th data-bbox="516 1188 922 1266">Slope of land adjacent to watercourse or lake:</th> <th data-bbox="922 1188 1232 1266">Buffer Zone width:</th> </tr> </thead> <tbody> <tr> <td data-bbox="516 1266 922 1314" style="text-align: center;">< 30%</td> <td data-bbox="922 1266 1232 1314" style="text-align: center;">75 feet</td> </tr> <tr> <td data-bbox="516 1314 922 1362" style="text-align: center;">30 – 50 %</td> <td data-bbox="922 1314 1232 1362" style="text-align: center;">100 feet</td> </tr> <tr> <td data-bbox="516 1362 922 1409" style="text-align: center;">> 50 %</td> <td data-bbox="922 1362 1232 1409" style="text-align: center;">150 feet¹</td> </tr> </tbody> </table> <p data-bbox="894 1415 1390 1472" style="text-align: right;">¹ Subtract 50 feet width for cable yarding operations</p> <p data-bbox="155 1514 1382 1568">Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1</p>		Slope of land adjacent to watercourse or lake:	Buffer Zone width:	< 30%	75 feet	30 – 50 %	100 feet	> 50 %	150 feet ¹
Slope of land adjacent to watercourse or lake:	Buffer Zone width:								
< 30%	75 feet								
30 – 50 %	100 feet								
> 50 %	150 feet ¹								

<u>TYPE OF WATERBODY:</u>	<u>DEFINITION:</u>
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Class II	<p>(1) Fish always or seasonally present offsite within 1000 feet downstream, and/or</p> <p>(2) Aquatic habitat for nonfish aquatic species.</p> <p>(3) Excludes Class III waters that are tributary to Class I waters.</p> <p>Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1</p>
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Slope of land adjacent to watercourse or lake:	Buffer Zone width:
< 30%	50 feet
30 – 50 %	75 feet
> 50 %	100 feet ²

² Subtract 25 feet width for cable yarding operations

Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1

Class III	<p>No aquatic life present, waterbody showing evidence of being capable of sediment transport to Class I and II waters under normal high water flow conditions after completion of timber operations.</p> <p>Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1, applied to all waterbodies.</p>
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Slope of land adjacent to watercourse or lake:	Buffer Zone width:
< 30 %	25 feet
≥ 30 %	50 feet

<u>TYPE OF WATERBODY:</u>	<u>DEFINITION:</u>
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Class IV	<p>Man-made waterbodies, usually downstream, established domestic, agricultural, hydroelectric supply or other beneficial use. Reference: 2013 California Forest Practice Rules, California Code of Regulations, title 14, section 916.5, Table 1, applied to all waterbodies.</p>
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Slope of land adjacent to watercourse or lake:	Buffer Zone width:
< 30 %	25 feet
≥ 30 %	50 feet

Unclassified	<p>Has channel with evidence of having concentrated flowing water indicated by deposit of rock, sand, gravel, or soil. No aquatic life is present, shows no evidence of being capable of sediment transport to a higher order waterbody (Class I, II, or III). These features may have riparian plant communities present.</p> <p>No standard buffer zone width is designated. However timber harvest and vegetation management activities must be excluded from within the channel zone, except for use and maintenance of existing roads and crossings.</p>
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Category 4 Application Form and Monitoring and Reporting Program

For Water Board staff use only;
WDID # _____
Date of Receipt: _____
Lead Water Board Staff: _____

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

All requested information is required - Please type or print clearly in ink

1. Activity Name:

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

County:

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

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

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

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

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

4. Summary of Activity Information:

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

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

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

Indicate project characteristics:

<input type="checkbox"/> Clearcut acres _____ (enter amount) <input type="checkbox"/> SEZ/WBBZ Operations <input type="checkbox"/> Herbicide Use <input type="checkbox"/> Winter Ops <input type="checkbox"/> Broadcast Burn <input type="checkbox"/> Pile Burn <input type="checkbox"/> Site Prep	<u>Roads and Landings:</u> <input type="checkbox"/> Roads Reconstructed <input type="checkbox"/> Roads in SEZ/WBBZ <input type="checkbox"/> Landings Constructed <input type="checkbox"/> Landings Reconstructed	<u>Soils and Slopes:</u> <input type="checkbox"/> EHR Low <input type="checkbox"/> EHR Mod <input type="checkbox"/> EHR High <input type="checkbox"/> EHR Extreme <input type="checkbox"/> Unstable Areas <input type="checkbox"/> Slopes >65% <input type="checkbox"/> Slopes >50% w/ Ground Ops
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5. Waterbody Classification: What types of waterbodies exist within the activity area?

(Information on waterbody classification is provided in Attachment B.) Check all that apply:

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

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

(attach additional pages if necessary)

7. Specific Activity Information:

Yes*	No	Do existing roads and landings proposed for use exhibit signs of erosion or instability, including rills, gullies, or tension cracking?
*If you answered yes to the above question, answer the following:		
	Yes	No
	Could this erosion or instability result in sediment delivery to a waterbody? If yes, describe mitigation measures that will be implemented to stop the delivery of sediment to waterbodies, or drainage structures that drain to waterbodies:	
(attach additional pages if necessary)		
Yes	No	Do the activities include the repair or reconstruction of watercourse crossings? If yes, briefly explain what work is planned and where:
Yes	No	Do the activities include the repair or reconstruction of roads? If yes, briefly explain what work is planned and where:
Yes	No	Are equipment operations within the winter period anticipated?

Yes	No	Do the proposed timber harvest and vegetation management activities include prescribed fire? If yes, describe.
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8. Timber Harvest and Vegetation Management Activities within SEZs/WBBZs:

Describe what activities (e.g., timber removal, operation of equipment, chipping, prescribed fire) are planned within SEZs/WBBZs:

(attach additional pages if necessary)

9. **Do you anticipate the need to apply pesticides (as defined in Attachment A) to the activity area?**
- | | | |
|---------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yes | No | If yes, please notify the Water Board staff in an addendum to this form, or in a separate notice, at least 30 days prior to the proposed application. See Condition 16 of the Timber Waiver on page 19. |
| or | | |
| Unknown | | |

10. Map of Activity Area: To complete your application, include a USGS 7.5 minute topographic (or equivalent or greater scale) map that clearly indicates all of the information listed below. Map(s) that have been created as part of a CEQA, or other planning document, may substitute for creating an individual map for this application provided they meet the above scale requirements and include all of the information listed below. If any of the required elements are not provided please include an explanation in the box below.

- a. The activity area boundary.
- b. The relative location of the activity to a nearby city, town, or landmark.
- c. Location of private and public roads to be used within the activity area. Include the location of private and public roads that will be used to access the activity areas from a paved county, state, municipal, or federal road. Label the name or number of each road and indicate if such roads are under the ownership or control of the land owner or manager. (The appurtenant roads may be shown on a separate map which may be planimetric with a smaller scale.)
- d. Location of proposed timber harvest and vegetation management activities (including skid trails) within SEZs/WBBZs.
- e. Identify areas for possible landing construction.
- f. Location of all existing watercourse crossings.
- g. Approximate location of dry Class III watercourse crossings.
- h. Location of proposed temporary over-snow skid trail watercourse crossings (if known).
- i. Location, classification, and name (if applicable) of all waterbodies within the activity area.

(Information on waterbody classification is provided in Attachment B.) Complete the following if the activity area does not include a waterbody:

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

Explain why the requirements above are not provided:

(attach additional pages if necessary)

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

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

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

For Water Board staff use only:
Executive Officer Approval with signature:

(To be scanned and e-mailed back to applicant)

12. Certification:

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of Category 4 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX.

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

Monitoring and Reporting Program

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

Implementation Monitoring:

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

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

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

Photo-Point Monitoring:

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

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

Category 4 Implementation Monitoring Form

This form and associated monitoring must be completed before the winter period and submitted to the Water Board by January 15 as long as the project is covered under the Timber Waiver

and

at the conclusion of operations and submitted to the Water Board with the required Notice of Completion Form (Attachment M)

Please type or print clearly in ink

Implementation monitoring consists of visual monitoring of activity areas, roads, stream crossings, landings, etc., to ensure all management practices designed to prevent sediment delivery and protect water quality (e.g., erosion control measures, riparian buffers, waterbreaks, critical dips) are in place and secure. Pursuant to Water Code section 13267, this form, or an alternate form or report containing equivalent information, must be submitted by **January 15**.

1. **Activity Name:**

2. **WDID Number:**

3. This monitoring is being completed because:
 Timber harvest and vegetation management activities have been completed and this monitoring is being conducted to satisfy the monitoring required for termination of Timber Waiver Coverage. Operations were completed on: _____
 Timber harvest and vegetation management activities have commenced prior to the winter period of this year and monitoring is required to ensure necessary management measures have been implemented prior to the onset of winter weather.

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

Date of inspection:

5. **All landings within the activity area:** Inspected: None within plan area:

Yes No **Are all landings adequately stabilized to prevent sediment delivery to a surface water?** (e.g., are all waterbreaks properly installed)

Additional notes:

6. **All skid trails:** Inspected: None within plan area:

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

Additional notes:

7. All roads:

Inspected:

None within plan area:

Yes No

Are all roads segments (including those used for timber operations within the plan area, and roads appurtenant to operations where such roads are under the ownership or control of the landowner or manager) **adequately stabilized to prevent sediment delivery to a surface water?**

Additional notes:

8. All Watercourse Crossings:

Inspected:

None within plan area:

Yes

No

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

Yes

No

Are all necessary critical dips properly installed? (A properly installed critical dip, or other overflow structure, should be on the downhill side of all crossings.)

Yes

No

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

Yes

No

Is road runoff disconnected before it reaches the watercourse crossing? (For example, are waterbreaks (i.e., rolling dips or waterbars) placed on the approaches to the crossing so that runoff and sediment is filtered prior to potential discharge to a waterbody? It may be impossible to disconnect all of the road drainage from the watercourse. However, the length of road draining to the stream should be kept to a minimum.)

Yes

No

Are all fill slopes adequately armored or stabilized?

Yes

No

Are all watercourse crossings (including culverts) **clear of debris** (so as to prevent plugging or diversion)?

Yes

No

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

Additional notes on watercourse crossings within the plan area:

(attach additional pages if necessary)

9. Yes No

Does chipped material exceed an average depth of two inches, with a maximum depth of four inches, within Waterbody Buffer Zones?

10. Yes No

Have constructed fuel breaks been adequately stabilized (i.e., have effective waterbreaks been constructed)?

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

If yes, please describe the sediment sources (and their location) and what corrective measures have been taken, or are planned, to prevent impacts to water quality and to maintain compliance with the Timber Waiver:

(attach additional pages if necessary)

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

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

(attach additional pages if necessary)

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

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 4 of the Timber Waiver. If any deviation from the submittals to the Water Board, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

Invitation for feedback: Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

Categories 4 and 6 Daily Winter Period Monitoring Program

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

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

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

In the interest of not requiring redundant monitoring during extended dry periods, daily monitoring is only required beginning with the first National Weather Service forecast of 30% chance of precipitation (<http://www.nws.noaa.gov/>). If 7 days of dry weather persists and soils are operable after a precipitation event you may cease monitoring until next time National Weather Service forecasts a 30% chance of precipitation.

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

Category 4 and 6 Daily Winter Operations Monitoring Checklist

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

Activity Name and WDID

Number: _____

Inspector's name & Title: _____

Signature: _____

Example

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

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

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

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

⁴ If soil disturbance is observed: Detail when, where, and why these disturbances occurred and what corrective actions were taken to prevent impacts to water quality. **Retain this information within the monitoring file. If a discharge of sediment to a waterbody has occurred you must contact Water Board staff within 24 hours of detection at (530)542-5400.**

**Category 5 Application Form
and
Monitoring and Reporting Program**
for CAL FIRE–Approved Plans

For Water Board staff use only; WDID # _____ Date of Receipt: _____ Lead Water Board Staff: _____

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

Please type or print clearly in ink

1. **Plan Name:**

CAL FIRE Issued Plan Number:

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

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

I, the Landowner, or agent thereof, hereby agree to meet the conditions and eligibility criteria of Category 5 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX.

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

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

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

- enlargement of existing permanent watercourse crossings on existing roads
- construction of new permanent watercourse crossings
- construction of temporary roads

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

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

Monitoring and Reporting Program

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

Implementation Monitoring:

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

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

Forensic and Effectiveness Monitoring:

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

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

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

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

Photo-Point Monitoring:

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

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

Request for modified monitoring and reporting program:

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

As specified in Timber Waiver Category 5 Condition #10, there are two specific instances where enrollees may temporarily suspend required effectiveness and forensic monitoring:

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

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

Fall Implementation Monitoring Form

Categories 5 and 6

This form and associated monitoring must be completed before the winter period (as defined in Attachment A) and submitted to the Water Board by January 15

Please type or print clearly in ink

Fall implementation monitoring is visual monitoring of timber harvest and vegetation management areas, roads, stream crossings, landings, etc., to ensure all management practices designed to prevent sediment delivery and protect water quality (such as erosion control measures, riparian buffers, water bars, critical dips) are in place and secure prior to the winter period (as defined in Attachment A).

Fall implementation monitoring and reporting is required every year for the duration of the activity and until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff. This complete form must be submitted in accordance with the requirements of this monitoring and reporting program.

1. **Activity/Plan Name:**

2. **WDID Number:**

3. Yes No Have timber harvest and vegetation management activities under this activity/plan commenced?

If **yes**, please complete this form and associated monitoring.

If **no**, when are operations anticipated to begin (if known)? _____

If operations have not commenced by November 15, you are not required to complete the remainder of this form, please sign the landowner signature box at the bottom of page 4, and submit to the Water Board by January 15.

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

Date of inspection:

All of the following sites) must be inspected before the Winter Period, or indicated as not present within the activity area:

5. **Watercourse crossings:** Inspected: None within area:

Yes No **Have all watercourse crossings and associated fills and approaches been constructed or reconstructed to prevent diversion of stream overflow down the road and to minimize fill erosion and delivery to a waterbody if the drainage structure became plugged?**

Yes No **Are all necessary critical dips properly installed?** (A properly installed critical dip, or other overflow structure, should be on the downhill side of all crossings.)

Yes No **Is there any risk of stream diversion during a high runoff event?**

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

Additional notes on watercourse crossings within the activity area:

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

Inspected:

None within area:

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

7. **All roads:**

Inspected:

None within area:

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

Additional notes on road segments within the activity area:

8. All existing and constructed landings:

Inspected:

None within area:

Yes	No	Are all landings adequately stabilized (as defined in Attachment A) to prevent sediment delivery to a waterbody?
Additional notes on existing and constructed landings within the activity area:		

9. All existing and constructed skid trails:

Inspected:

None within area:

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

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

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

Inspected:

None within area:

Additional notes landslides within the activity area:

Additional notes landslides within the activity area:

11. All unstable areas:

Inspected:

None within area:

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

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

Additional notes on unstable areas within the activity area:

Additional notes on unstable areas within the activity area:

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

Inspected: None within area:

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

Additional notes on recommendations made by Water Board staff:

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

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

(attach additional pages if necessary)

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

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

(attach additional pages if necessary)

15. Pile placement and burning within WBBZs and/or SEZs None within area

A) Pre-Burn Information:

i. Date(s) piles created: _____

ii. Type and relative abundance of vegetation observed in WBBZ/SEZ prior to burning is:

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

C) Were all burn scars raked to 85% coverage with native duff or organic mulch and seed post-burning? (Y / N):
If Yes, provide date(s) raked: _____, if No, complete D) below.

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

E) Report on the status of vegetative recovery throughout the burn scars in terms of type and

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

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

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

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

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

v. Additional Information (if needed):

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

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

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

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

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-mail: _____

Invitation for feedback: Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

Winter Implementation Monitoring Form

Categories 4, 5, and 6

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

Please type or print clearly in ink

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

1. Activity/Plan Name:

2. WDID Number:

3. Inspector's name and title:

Date of inspection:

4. Yes No **Have all watercourse crossings and associated fills and approaches been constructed or reconstructed to prevent diversion of stream overflow and to minimize fill erosion and delivery to a waterbody if the drainage structure becomes plugged?** If no, please explain in an addendum to this form how stream diversion or obstruction and/or sediment delivery to a watercourse will be prevented.

5. Yes No **Have all necessary critical dips been properly installed?** If no, please explain in an addendum to this form why they have not been installed and/or when they will be installed.

6. Yes No Not applicable to this activity **Have all temporary over-snow skid trail watercourse crossings been removed without disturbing soils or damaging watercourse bed or banks?** If no, please explain in an addendum to this form what actions have been taken to resolve watercourse bed or bank disturbance, or when temporary crossings will be removed.

7. Yes No Not applicable to this activity **Has all snow movement, plowing, packing, and/or cutting associated with timber harvest and vegetation management activities allowed for adequate road drainage and dissipation of snowmelt or runoff?** If no, please explain in an addendum to this form why road drainage and runoff dissipation is inadequate, and when it will be resolved.

8. Yes No Not applicable to this activity **Have all culverts and drainage structures been cleared of debris, packed snow, and ice?** If no, please explain in an addendum to this form why, and when this work will be implemented.
9. Yes No Not applicable to this activity **Have all areas subject to burn pile placement or prescribed fire operations been stabilized to prevent sediment delivery to watercourses?** If no, please explain in an addendum to this form why, and when this work will be implemented.

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the submittals to the Water Board, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-mail: _____

Invitation for feedback: Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

Forensic Monitoring Form

Categories 5 and 6

This form and associated monitoring must be completed soon after two significant rain (> 2 inches) and/or snow-melt events and submitted annually to Water Board by July 15

Please type or print clearly in ink

Forensic monitoring: is conducted soon after significant rain or snow-melt events and consists of visual monitoring of:

- surface waters
- watercourse crossings
- landings
- burned areas
- unstable areas
- roads
- waterbody buffer zones
- skid trails

The purpose of this monitoring is to:

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

This monitoring must be conducted at least twice each year and reported on July 15 for the duration of timber harvest and vegetation management activities and until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff. This form or report containing equivalent information must be completed and signed.

Forensic monitoring is required for activities that proceed under Category 5 or 6 until a Notice of Termination of Timber Waiver Coverage is issued by Water Board staff.

Activity Name:

WDID Number:

Yes No Have timber harvest and vegetation management activities commenced?

If **yes**, please complete this form and associated monitoring.

If **no**, when are operations anticipated to begin (if known)? _____

If operations have not commenced by May 1, you are not required to complete the remainder of this form, please sign the landowner signature box at the bottom of page 8 and submit to the Water Board by July 15th.

Inspection #1

Within 36 hours of a significant rain (>2 inches in 24 hours) or snow-melt event inspect accessible areas and waterbodies immediately downstream of operations and complete the following:

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

2. **Date of inspection:**

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

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

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

Inspect all the following areas and infrastructure within the activity area if accessible.

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

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

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

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

- Identify the waterbody and describe specific locations within or adjacent to the waterbody.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.
- Report discharges by telephone (530) 542-5400 no later than 24 hours after detection.

If increased levels of sediment/turbidity are observed in neighboring waterbodies:

- Describe where and in which waterbody.

- Explain if this turbidity is a result of sediment discharges from within the activity area. Is the sediment coming from a hillslope feature such as a stream crossing or unstable area? Cause-and-effect can be determined if the water becomes noticeably muddy below a hillslope feature.
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.

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

Forensic monitoring requirements are waived if significant environmental impacts would result from road system use to access the activity area, or if worker safety would be compromised. If these areas are not accessible for monitoring, please indicate why. Acceptable reasons may include:

- Significant environmental impacts would result from road system use to access the activity area or waterbodies immediately downstream of operations.
- Worker safety would be compromised.

4. Areas where timber harvest and vegetation management activities have been conducted within or near unstable areas.

<input type="checkbox"/> none exist
(attach additional pages if necessary)

5. Constructed or re-constructed watercourse crossings.

<input type="checkbox"/> none exist
(attach additional pages if necessary)

6. Waterbody Buffer Zones (WBBZs) or Stream Environment Zones (SEZs) where ground based equipment operations (e.g., skid trail crossings) or use of prescribed fire have occurred .

<input type="checkbox"/> none exist
(attach additional pages if necessary)

7. Road construction or reconstruction within 150 feet of a Class I, II, or IV (with domestic use) watercourse.

none exist

(attach additional pages if necessary)

8. Landing construction or reconstruction within WBBZs or SEZs.

none exist

(attach additional pages if necessary)

9. Areas classified as high or extreme erosion hazard rating where ground-based equipment has been operated and there is potential for water quality impacts.

none exist

(attach additional pages if necessary)

10. Areas of in-lieu practices that have the potential to impact water quality.

none exist

(attach additional pages if necessary)

11. For Category 5 Projects only: If the enrollee has suspended forensic monitoring during an interim period per Timber Waiver Category 5 Condition #10 and the directions at the bottom of the Timber Waiver Category 5 Application Form, please note these periods of inactivity and include an explanation for the temporary suspension in the box below.

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

Invitation for feedback: Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

Inspection #2

Within 36 hours of a significant rain (>2 inches in 24 hours) or snow-melt event inspect accessible areas and waterbodies immediately downstream of operations and complete the following:

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

2. **Date of inspection:**

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

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

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

Inspect all the following areas and infrastructure within the activity area if accessible.

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

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

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

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

- Identify the waterbody and describe specific locations within or adjacent to the waterbody.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.
- Report discharges by telephone (530) 542-5400 no later than 24 hours after detection.

If increased levels of sediment/turbidity are observed in neighboring waterbodies:

- Describe where and in which waterbody.

- Explain if this turbidity is a result of sediment discharges from within the activity area. Is the sediment coming from a hillslope feature such as a stream crossing or unstable area? Cause-and-effect can be determined if the water becomes noticeably muddy below a hillslope feature.
- Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.

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

Forensic monitoring requirements are waived if significant environmental impacts would result from road system use to access the activity area, or if worker safety would be compromised. If these areas are not accessible for monitoring, please indicate why. Acceptable reasons may include:

- Significant environmental impacts would result from road system use to access the activity area or waterbodies immediately downstream of operations.
- Worker safety would be compromised.

4. Areas where timber harvest and vegetation management activities have been conducted within or near unstable areas.

<input type="checkbox"/> none exist
(attach additional pages if necessary)

5. Constructed or re-constructed watercourse crossings.

<input type="checkbox"/> none exist
(attach additional pages if necessary)

6. Waterbody Buffer Zones (WBBZs) or Stream Environment Zones (SEZs) where ground based equipment operations (e.g., skid trail crossings) or use of prescribed fire have occurred .

<input type="checkbox"/> none exist
(attach additional pages if necessary)

7. Road construction or reconstruction within 150 feet of a Class I, II, or IV (with domestic use) watercourse.

none exist

(attach additional pages if necessary)

8. Landing construction or reconstruction within WBBZs or SEZs.

none exist

(attach additional pages if necessary)

9. Areas classified as high or extreme erosion hazard rating where ground-based equipment has been operated and there is potential for water quality impacts.

none exist

(attach additional pages if necessary)

10. Areas of in-lieu practices that have the potential to impact water quality.

none exist

(attach additional pages if necessary)

11. For Category 5 Projects only: If the enrollee has suspended forensic monitoring during an interim period per Timber Waiver Category 5 Condition #10 and the directions at the bottom of the Timber Waiver Category 5 Application Form, please note these periods of inactivity and include an explanation for the temporary suspension in the box below.

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

Invitation for feedback: Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

Effectiveness Monitoring Form

Categories 5 and 6

This form and associated monitoring must be completed soon after the winter period, between March 15 and June 15, and submitted to Water Board by July 15

Please type or print clearly in ink

Effectiveness monitoring: is a visual evaluation of management measures (e.g., erosion control structures) and infrastructure (e.g., roads and watercourse crossings) within the activity area following the winter period, typically between March 15 and June 15, to determine the effectiveness of implemented management measures in preventing sediment discharge to surface waters and protecting water quality, and to identify any points of sediment delivery that may have developed during the winter. Effectiveness monitoring and reporting is required annually for the duration of the timber harvest and vegetation management activities and one spring season following completion of timber harvest and vegetation management activities.

As soon as possible, following the winter period, inspect the activity area and complete this form or report containing equivalent information. However, do not access the site if soils are saturated, if significant environmental impacts would result from road system use, or if worker safety would be compromised.

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

1. **Activity/Plan Name:**

WDID Number:

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

Date of inspection:

3. **Weather Observations and Precipitation Levels:** Complete the following based on site-specific observations and/or local weather data.

Accumulated precipitation this season: _____ inches of Rain Snow

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

Additional notes on weather and precipitation:

Inspect all the following areas and infrastructure within the activity area once conditions allow.

Use the box spaces following each area listed below to indicate whether such areas exist within the activity area, if they were inspected, if they were not accessible for inspection, and to indicate if evidence of erosion or delivery to a waterbody is observed. During your inspection, look for signs of erosion and transport of sediment to a waterbody. These signs may include:

- Landslides
- Erosion voids
- Tension cracking or settling of road fill or sidecast
- Rilling or gulying of road surfaces, road fills, landings, cutbanks, etc.
- Increased levels of sediment in waterbodies immediately downstream of operations

If evidence of sediment erosion and delivery of waste to waterbodies are observed:

- Submit a map indicating where this occurred.
- Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- Submit a narrative description of what occurred, and how and when corrective measures will be taken to stop sediment delivery and protect water quality.

If any evidence of failed management measure is observed:

- Submit a map and narrative that show and describe what management practice failed and its location within the activity area.
- Submit a description of what and when corrective measures will be taken to stop and/or prevent sediment delivery and protect water quality.

4. Constructed or re-constructed watercourse crossings. None exist

(attach additional pages if necessary)

5. WBBZ and SEZ landing management measures and equipment operation areas. None exist

(attach additional pages if necessary)

6. Areas of in-lieu practices that have the potential to impact water quality. None exist

(attach additional pages if necessary)

7. Equipment operations on steep slopes or unstable areas. None exist

(attach additional pages if necessary)

8. Pile placement and burning within WBBZs and/or SEZs None exist

A) Pre-Burn Information:

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

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

C) Were all burn scars raked to 85% coverage with native duff or organic mulch and seed post-burning? (Y / N):
If Yes, provide date(s) raked: _____, if No, complete D) below.

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

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

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

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

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

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

v. Additional Information (if needed):

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

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

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

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

(attach additional pages if necessary)

9. For Category 5 Projects only: If the enrollee has suspended effectiveness monitoring during an interim period per Timber Waiver Category 5 Condition #10 and the directions at the bottom of the Timber Waiver Category 5 Application Form, please note these periods of inactivity and include an explanation for the temporary suspension in the box below.

(attach additional pages if necessary)

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that all information contained in this monitoring report is true, accurately represents site conditions, and is complete. I also certify that all timber harvest and vegetation management activities conducted have been in conformance with all the general conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX, and all eligibility criteria and conditions for Category 5 or 6 of the Timber Waiver. If any deviation from the approved plan, and/or the Timber Waiver eligibility criteria and conditions has been identified I have disclosed such deviations in this form along with corrective actions that will be taken to resolve the problem.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

Invitation for feedback: Water Board staff respectfully request any constructive feedback regarding the monitoring program with regard to your timber harvest and vegetation management activities. Completing this section is not a requirement. Water Board staff may use your comments and suggestions to improve this program for future activities. Comments may include:

- perceived effectiveness of the program in protecting water quality
- recommendations on how to make the monitoring program more efficient, reliable, or effective
- impressions of recommendations made by Water Board staff regarding your activities (e.g., do they appear to be effective, is there a practice or a performance standard that would have been more cost-effective at protecting water quality?)

Category 6 Application Form and Monitoring and Reporting Program

For Water Board staff use only; WDID # _____ Date of Receipt: _____ Lead Water Board Staff: _____

Conditional Waiver for Timber Harvest and Vegetation Management Activities

All requested information is required - Please type or print clearly in ink

1. Activity Name:

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

County:

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

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

3. RPF, Federal Forestry Professional, or Natural Resource Professional Contact Information:

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

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

Name:	Phone/Fax/E-Mail:
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Name:	Phone/Fax/E-Mail:
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If information requested in this form is included in existing documents or plans those documents may be used to substitute for information specifically requested in this form. These documents must be submitted to the Water Board and the requested information must be specifically referenced (by page number) within this application.

5. Summary of Activity Information:

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

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

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

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

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

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

(attach additional pages if necessary)

8. Prescribed fire:

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

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

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

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

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

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

- i. Methods of treatment:**
- ii. Approximate acreage of SEZ/WBBZ treatment area within the Project boundary:**
- iii. Approximate percent of SEZ/WBBZ treatment area to be covered in piles (circle one): 0-10% 10-20% 20-30%**
- iv. Anticipated Option to be employed per Attachment Q, Item d. (circle one):
Option 1 Option 2**
- v. If using Option 2 (Attachment Q, Item d), provide methods or criteria (qualitative or quantitative) for determining vegetative recovery of burn scars as compared to pre-treatment conditions.**
- vi. Identify treatment areas (e.g. Units) where greater than 40% of material in piles is expected to exceed 9" diameter at the time the piles are built**
- vii. Anticipated schedule for burn pile placement and burning**
- viii. Water quality related design features or mitigation measures to protect SEZ/WBBZ other than those required in Attachment Q**

(attach additional pages if necessary)

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

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

(attach additional pages if necessary)

9. Specific Activity Information:

Yes*	No	Do existing roads and landings proposed for use exhibit signs of erosion or instability, including rills, gullies, or tension cracking?	
*If you answered yes to the above question, please answer the following:			
	Yes	No	Could this erosion or instability result in sediment delivery to a waterbody? If yes, describe mitigation measures that will be implemented to stop the delivery of sediment to waterbodies, or drainage structures that drain to waterbodies:
			(attach additional pages if necessary)

10. Provide activity information below as required in conditions 2 through 5 on pages 27 and 28 of the Timber Waiver:

(attach additional pages if necessary)

11. Yes No

Are operations within the winter period (as defined in Attachment A) proposed?

If yes, what management practices have been incorporated to prevent soil disturbance and sediment delivery to waterbodies?

(attach additional pages if necessary)

12. Yes No
or
Unknown

Do you anticipate the need to apply pesticides (as defined in Attachment A) to the activity area?

If yes, please notify the Water Board staff in an addendum to this form, or in a separate notice, at least 30 days prior to the proposed application. See Condition 21 of the Timber Waiver on page 26.

13. Map of Activity Area: To complete your application, include a USGS 7.5 minute topographic (or equivalent or greater scale) map that clearly indicates all of the information listed below. Map(s) that have been created as part of a CEQA or other planning document, may substitute for creating an individual map for this application provided they meet the above scale requirements and include the information. If any of the required elements are not provided please include an explanation in the box below.

- a. The activity area boundary.
- b. The relative location of the activities to a nearby city, town, or landmark.
- c. Location of private and public roads to be used within the activity area. Include the location of private and public roads that will be used to access the activity areas from a paved county, state, municipal, or federal road. Label the name or number of each road and indicate if such roads are under the ownership or control of the land owner or manager. (The appurtenant roads may be shown on a separate map which may be planimetric with a smaller scale.)
- d. Location of road failures on existing roads proposed for reconstruction.
- e. Location of new temporary and permanent roads to be constructed.
- f. Location of proposed operations, including prescribed fire, within Waterbody Buffer Zones (WBBZs) and Stream Environment Zones (SEZs).
- g. Location of proposed landing construction or reconstruction where greater than ¼ acre of excavation, grading, or surface clearing will occur **or** identify areas of possible landing construction.
- h. Location of all existing and proposed watercourse crossings, except for skid trail watercourse crossings.

- i. Approximate location of skid trail watercourse crossings.
- j. Location of erosion hazard rating areas, if more than one rating exists.
- k. Location of known unstable areas or slides.
- l. Boundaries of yarding (logging) systems, if more than one system is to be used.
- m. Location of proposed temporary over-snow skid trail watercourse crossings (if known).
- n. Location of marshes, meadows, springs, and other wet areas within the activity area.
- o. Location, classification, and name (if applicable) of all waterbodies within the activity area. (Information on waterbody classification is provided in Attachment B.) Complete the following if the activity area does not include a waterbody:

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

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

(attach additional pages if necessary)

14. Certifications:

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

Signature: _____

Date: _____

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that this application and all submittals to the Water Board accurately represent site conditions. I hereby agree to meet the conditions and eligibility criteria of Category 6 of the Conditional Waiver of Waste Discharge Requirements for Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2014-00XX.

Signature: _____

Date: _____

Printed Name and Title: _____

Phone/Fax/E-Mail: _____

Monitoring and Reporting Program

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

Implementation Monitoring:

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

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

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

Forensic and Effectiveness Monitoring:

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

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

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

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

Photo-Point Monitoring:

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

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

Photo-Point Monitoring Form

*To be included with either:
Fall Implementation,
Winter Implementation, or
Winter Forensic and Spring Effectiveness
Monitoring Submittal*

Please type or print clearly in ink, and attach all printed photos (labeled) or photos on CD (labeled)

If required, photo-point monitoring reports (with photos and data sheet) must be submitted with all monitoring reports submitted to the Water Board. **Complete sections 1 and 2 of this page once, and submit with your Timber Waiver Application Form.**

1. Identification of Photo-Point Monitoring Locations:

List all photo-point (PP) monitoring locations below with a brief description of what is located at that particular point (e.g., "Span crossing at Class I watercourse").

PP monitoring locations must include all:

- Locations where span watercourse crossings will be constructed or reconstructed.
- Locations where watercourse crossings will be constructed or reconstructed using a 24-inch or greater diameter culvert.
- Points requested by Water Board staff.

PP #1:

PP #2:

PP #3:

PP #4:

(attach additional pages if necessary)

All PP monitoring locations must also be identified on a map that is included with this form and in the field with rebar, flagging, or other method that will last the duration of timber harvest and vegetation management activities. Where possible, PP photographs should be taken from the same exact location, direction, height, and time of day each time, and taken when the sun's rays or shadows do not obscure points of interest.

2. Photo-Point Monitoring Purpose and Frequency:

To complete required photo-monitoring, PP monitoring must be completed for all points:

- prior to initiation of activities at the point
- during fall and winter implementation monitoring
- during forensic monitoring (if water quality problems are observed)
- during effectiveness monitoring.

Photo-Point Monitoring Data Sheet

1. **Activity Name:**

WDID Number:

Monitoring Type: Pre-Implementation Forensic Effectiveness
 Implementation

Inspector's name and title:

Date of inspection:

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

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

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

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

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

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

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

Notice of Activity Completion Form

To Certify Completion and Compliance with the Conditional Waiver for Timber Harvest and
Vegetation Management Activities and

Apply for Termination of Coverage, Monitoring, and Reporting Requirements
for All Activities Requiring Notification of Completion (Categories 4-6)

Please type or print clearly in ink

1. **Project Name:**

WDID Number:

2. **Date Activities Completed:**

3. **Landowner:**

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

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

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

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

- Category 4: Timber harvest and vegetation management activities which rely on existing roads, meet 10 criteria, and may include winter-period operations
- Category 5: CAL FIRE – Approved Plans
- Category 6: Timber harvest and vegetation management activities that do not qualify under categories 1 – 5

6. Attach completed implementation monitoring form (Attachment D for Category 4 and Attachment G for Category 5 and 6). Enrollees who completed timber harvest and vegetation management activities under Category 5 and 6 are required to complete effectiveness monitoring (Attachment J) between March 15 and June 15 the season following completion of timber harvest and vegetation management activities and submit a report of such monitoring to the Water Board by July 15 the following year.

For projects that included pile burning in SEZs/WBBZs operating under Attachment Q Item d. Option 2), submit the monitoring form substantiating vegetative recovery of burn scars within two growing seasons after pile burning, or documentation that burn scars have had native duff raked into them as required under Attachment Q Item d. Option 2).

I, the Landowner, agent thereof, or Land Manager, hereby certify under penalty of perjury that the timber harvest and/or vegetation management activities for the above-referenced activity (plan) were conducted in conformance with applications and submittals to the Water Board and all general conditions and category-specific conditions and criteria of the Conditional Waiver of Waste Discharge Requirements for Discharges from Timber Harvest and Vegetation Management Activities in the Lahontan Region (Timber Waiver), Resolution R6T-2009-0029, for which my project was enrolled.

Signature: _____

Date: _____

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

DO NOT WRITE IN THIS BOX: For Water Board Staff Use Only.

Date NoAC Form Received: _____ Lead Staff: _____

CAL FIRE Timber Operations Work Completion and/or Stocking Report (RM-71):

RM-71 included with NoAC (if applicable)? Yes No Not Applicable

RM-71 Signed by CAL FIRE Director? Yes No

Date Signed RM-71 Received: _____

Site Inspection? No Yes Date: _____

Staff Notes:

NOTICE OF TERMINATION:

This Notice of Activity Completion Form, including the final RM-71 (if applicable), have been reviewed, and I inspected did not inspect] the activity site. Based on my review, I am:

- terminating coverage under the Timber Waiver (Board Order No. R6T-2014-00XX) for this activity. All applicable monitoring and reporting requirements are complete for this activity.
- not terminating coverage and requiring further monitoring pursuant to Water Code section 13267.
- terminating coverage and requiring a Report of Waste Discharge pursuant to California Water Code section 13260.

Printed Name: _____

Signature: _____ Effective Date: ____/____/____

Entered into CIWQS

Attachment N
California Regional Water Quality Control Board
Lahontan Region

WASTE DISCHARGE PROHIBITION INFORMATION FOR ACTIVITIES IN
FLOODPLAINS OF THE LITTLE TRUCKEE OR TRUCKEE RIVER HYDROLOGIC UNITS,
OR STREAM ENVIRONMENT ZONES AND FLOODPLAINS OF THE LAKE TAHOE
HYDROLOGIC UNIT
AND GRANTING OF A PROHIBITION EXEMPTION FOR SLASH PILING AND
BURNING IN STREAM ENVIRONMENT ZONES

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

To protect beneficial uses and achieve water quality objectives, the Basin Plan contains prohibitions against waste discharges to lands within 100-year floodplains in the Little Truckee, Truckee River, and Lake Tahoe Hydrologic Units (HUs), and prohibitions against "permanent disturbance" in Stream Environment Zones (SEZs) in the Lake Tahoe HU. These prohibitions may apply to certain timber harvest and vegetation management activities conducted in these areas.

This attachment:

1. Summarizes discharge prohibitions and available exemptions.
2. Outlines the types of activities that may require an exemption, and describes the general procedure for obtaining an exemption.
3. Makes required findings and grants a prohibition exemption for slash piling and burning in Tahoe Basin SEZs.
4. Specifies the types of activities and conditions that may proceed in 100-year floodplains and SEZs without triggering the need to obtain an exemption.

1. Waste Discharge Prohibitions and Exemptions

Little Truckee and Truckee River HU

100-year Floodplains

Chapter 4 (pages 4.1-4 and 4.1-7) of the Basin Plan specifies the following discharge prohibitions:

Page 4.1-5 4(c). "The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Little Truckee River or any tributary to the Little Truckee River is prohibited."

Page 4.1-7 4(c). "The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited."

Chapter 4 (pages 4.1-5 and 4.1-6) provides that exemptions may be granted for a number of categories of projects, the following of which are most applicable to timber harvest and vegetation management activities conducted under the Timber Waiver:

- 1) Projects solely intended to reduce or mitigate existing sources of erosion or water pollution or to restore the functional value to previously disturbed floodplain areas.
- 2) Bridge abutments, approaches, or other essential transportation facilities identified in an approved county general plan.
- 3) Projects necessary to protect public health or safety or to provide essential public services.

Lake Tahoe HU

100-year Floodplains

Chapter 5 (page 5.2-3) of the Basin Plan specifies the following discharge prohibitions for activities within 100-year floodplains:

“8. The discharge, or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand and other organic and earthen materials to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited.”

Chapter 5 (page 5.7-6) provides that exemptions may be granted for a number of categories of projects, the following of which are most applicable to timber harvest and vegetation management activities in 100-year floodplains conducted under the Timber Waiver (as numbered in the Basin Plan):

- 2) Public service facilities if: (a) the project is necessary for public health, safety or environmental protection, (b) there is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in the floodplain, and (c) impacts on the floodplain are minimized.
- 4) Erosion control projects, habitat restoration projects, SEZ restoration projects and similar projects provided that the project is necessary for environmental protection and there is no reasonable alternative which avoids or reduces the extent of encroachment in the floodplain.

Stream Environment Zones

Chapter 5 (page 5.2-4) of the Basin Plan specifies the following discharge prohibitions for activities within SEZs of the Lake Tahoe HU:

“13. The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay,

rock, metal, plastic, or other organic, mineral or earthen materials, to Stream Environment Zones in the Lake Tahoe basin is prohibited."

"New development" as used in the Prohibition 13 above means ". . . construction activity resulting in permanent soil disturbance . . . New development does not include maintenance or repair of an existing structure or the replacement of any existing structure with another structure on the same parcel of no greater land coverage." (Basin Plan page 5.2-4). This means that if an activity occurs in an SEZ that does not result in permanent disturbance, the prohibition is not violated.

Chapter 5 (page 5.8-7) provides that exemptions may be granted for a number of categories of projects, the following of which are most applicable to timber harvest and vegetation management activities conducted under the Timber Waiver:

1. For public service facilities if all of the following findings can be made:
 - a. The project is necessary for public health, safety or the environment;
 - b. There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment;
 - c. The impacts are fully mitigated; and
 - d. SEZ lands are restored in an amount 1.5 times the area of land developed or disturbed by the project
2. For erosion control projects, habitat restoration projects, wetland restoration projects, SEZ restoration projects, and similar projects, programs and facilities, if all of the following findings can be made:
 - a. The project, program, or facility is necessary for environmental protection;
 - b. There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the SEZ; and
 - c. Impacts are fully mitigated

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

2. Types of Activities Which May Be Eligible for a Discharge Prohibition Exemption

The nature of certain timber harvest and vegetation management projects makes them eligible for exemptions to the above-described prohibitions. Such eligible projects may include:

- Timber harvest and vegetation management projects to reduce fuel loading that are identified in a community wildfire protection plan

- Improvement of a stream crossing on an existing road to benefit water quality
- Timber harvest and vegetation management projects for aspen regeneration or improvement of riparian conditions
- Construction of an approach or bridge abutment within a 100-year floodplain to conduct timber harvest or vegetation management activities. (Such approaches or bridge abutments do not have to be identified in a county general plan)
- Timber harvest and vegetation management activities to protect forest values, such as wildlife habitat

Examples of activities conducted within 100-year floodplains or in SEZs that would require an exemption include:

- Enlargement of existing permanent watercourse crossings and/or roads
- Construction of temporary roads
- Construction of new waterholes within the 100-year floodplain
- Construction of temporary watercourse crossings and associated approaches in place longer than one season
- Construction of skid trails
- Slash piling and burning not conducted in accordance with Timber Waiver Category 6 and Attachment Q.
- Conventional equipment operated off-road in SEZs or floodplains

For project activities not covered by the prohibition exemption granted pursuant to No. 3, below, project applicants may request a prohibition exemption for timber harvest and vegetation management activities. The project applicants must provide Water Board staff with the information needed to justify the exemption, and allow for a 10-day public review and comment period for a proposed prohibition exemption. The Water Board's Executive Officer is authorized to grant these exemptions; therefore, no Water Board public hearing is typically required. Activities subject to the prohibitions may not proceed until Water Board authorization is granted.

3. Required Findings and Granting of Discharge Prohibition Exemption for Tahoe Basin SEZ Slash Piling and Burning done in Accordance with Category 6 of Timber Waiver and Attachment Q

Timber Waiver enrollees may propose slash piling and burning within SEZs in the Lake Tahoe Basin. The Basin Plan prohibits permanent disturbance or fill within SEZs, unless the Water Board grants an exemption to this prohibition. Timber Waiver Attachment Q requires the Enrollee to implement specific management actions for slash piling and burning within SEZs to protect sensitive soils and water quality. To allow for the timber harvest and vegetation management activities under this Timber Waiver, the Water Board makes the following findings for a prohibition exemption to the Basin Plan prohibitions against permanent disturbance or fill within SEZs.

a. The project is necessary for public health, safety, or environmental protection.

The purposes of a project proposing slash piling and burning within SEZs must be to:

- develop defensible space within SEZs adjacent to communities within the Lake Tahoe Basin where fire suppression operations can be safely and effectively conducted in order to protect homes and communities from wildfires; and/or
- restore forest health within SEZs of the Lake Tahoe Basin where stands of trees have become sufficiently dense and surface fuels have accumulated to such a degree that wildfires with sustained crown fire and long range spotting could quickly develop, causing severe resource damage and threatening human life and property; and/or
- restore meadows and aspen stands within the Lake Tahoe Basin in order to reduce the potential for catastrophic wildfire to spread through these areas, to promote maintenance of meadows and aspen stands consistent with the TRPA and/or Pacific Southwest Research Station's "Aspen Community Mapping and Condition Assessment Report," and to provide wildlife habitat for species that are dependent on meadows and/or aspen.

The 2000 Lake Tahoe Watershed Assessment (Watershed Assessment) noted that the Tahoe Basin has one of the highest fire ignition rates in the Sierra Nevada, concentrated around the Wildland Urban Interface (WUI). The Watershed Assessment projected that "should a fire escape initial control attempts under extreme wildfire conditions, at least 50 percent of the area in the resulting burn would likely be crown fire, with overstory tree mortality greater than 50 percent ... Even a small wildfire in the basin is potentially a significant event because of the juxtaposition of high ignition potential, high density and value of human developments, and high fuel hazard." The recommendation from the Watershed Assessment was "A combination of increased fire prevention, education, and strategic fuel hazard reduction will be most effective at reducing the likelihood of damaging fire in the basin." Some timber harvest and vegetation management activities will therefore result in increased environmental protection and improvement (specifically within the units where riparian enhancement will occur). A project proposing slash piling and burning within SEZs to develop defensible space, restore forest health, or restore meadows and aspen stands is therefore necessary for public health and safety, and environmental protection.

b. There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment.

To reduce the threat of a catastrophic wildfire, restore forest health, or remove encroaching conifers within meadows and aspen stands, the project's proposed timber harvest activities may include the removal of dead, dying, and diseased vegetation, ladder fuels, or other excessive and undesirable vegetation from SEZs within the WUI. To minimize impacts from these affected project areas, the Enrollee must be allowed to pile and burn slash within SEZs, or else forest health will not improve and the fuels may not otherwise be removed, remaining a fire hazard.

The proposed slash piling and burning within SEZs would be limited to hand work, in order to reduce or avoid the extent of encroachment by vehicles and road construction into the SEZs. The use of hand crews within the SEZs to remove the threat of a catastrophic wildfire involves the labor-intensive piling and burning of dead and dying fuels. Burn piles must be stacked and later burned within SEZs due to the safety limitations placed on hand crews to move the slash acceptable distances. Alternately, the use of whole tree logging mechanical equipment to remove the slash from SEZs may have more negative consequences than pile burning, due to potential compaction and disturbance of these sensitive soils.

c. The impacts are fully mitigated.

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

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

d. SEZ lands are restored in an amount 1.5 times the area of land developed or disturbed by the project

Proposed timber harvest and vegetation management activities in SEZs will reduce surface and ladder fuels, reducing the potential loss of riparian and SEZ habitat through a catastrophic fire, and will reduce stand mortality by reducing stand density, thus

reducing competition for water and nutrients and increasing resistance to drought, insect invasions, and disease.

Additionally, aspen regeneration projects that reduce encroaching conifers in aspen stands and meadows will restore riparian species dominance within these areas, restoring natural functionality within the treated SEZ and riparian areas.

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

The Basin Plan exemption criteria for permanent disturbance to SEZs from public service facilities requires restoration of SEZ lands at a ratio of 1.5 to 1. The Water Board finds that the area to be covered in burn piles is considered a temporary, not permanent, disturbance due to the relatively rapid recovery of the soils following the burning of the piles and application of the management actions outlined in Attachment Q. The Water Board has also determined that the improvement of forest health and fire safety within the SEZ compensates for the temporary SEZ soil disturbance created by the SEZ burn piles.

e. PROHIBITION EXEMPTION GRANTED

Based on Findings made here, and the requirements of Timber Waiver Attachment Q, the Water Board hereby grants an exemption to the Basin Plan prohibition for permanent disturbance in SEZs by the placement and burning of slash piles within SEZs, for activities proposed in Timber Waiver Category 6 applications, as long as those activities adhere to the requirements of Attachment Q. To comply with this SEZ prohibition exemption, the Enrollee must not exceed the slash piling and burning limitations specified in these Findings and Attachment Q, and the Enrollee must include applicable project information in its Category 6 application to describe that it will not exceed these limitations.

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 Timber Waiver described herein to any activity at any time when such termination is in the public interest and/or the activity could affect the quality of waters of the state for beneficial uses.

4. Activities Not Requiring a Discharge Prohibition Exemption

Timber harvest and vegetation management activities listed below in Table N1, when conducted in compliance with the Timber Waiver and the conditions specified in Table N1, do not result in discharges in conflict with the above waste discharge prohibitions. Therefore, they **do not require a prohibition exemption** and may proceed as part of a project permitted under this Timber Waiver without any additional notification or authorization.

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

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

Activity	100-year Floodplains (Lake Tahoe and Truckee HUs)	Stream Environment Zones (Lake Tahoe HU)
	<p>operations, or prior to the winter period (as defined in Attachment A), whichever is sooner.</p> <p>c. Eligibility criteria and conditions of applicable Waiver Category are met.</p>	<p>crossing shall be restored within one year of removal."</p>
<p>7. Placement of chips or masticated material</p>	<p>Prohibited discharges to 100-year floodplains do not occur if activities meet a. or b., and c. below:</p> <p>a. Chips or masticated material is incorporated into the soil, or</p> <p>b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and</p> <p>c. Eligibility criteria and conditions of applicable Waiver Category are met.</p>	<p>Placement of chips or masticated material does not result in "permanent soil disturbance" in SEZs if activities meet a. or b., and c. below:</p> <p>a. Chips or masticated material is incorporated into the soil, or</p> <p>b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and</p> <p>c. Eligibility criteria and conditions of applicable Waiver Category are met.</p>
<p>8. Repair or replacement of permanent crossings for existing roads, when new crossing is same size as existing.</p>	<p>Prohibited discharges to 100-year floodplains do not occur if activities do not involve the loss of additional floodplain area or volume (Basin Plan Sections 4.1 and 5.2)</p>	<p>Permanent disturbance to SEZs does not occur from maintenance, repair, or replacement of an existing structure that does not result in greater land coverage (Basin Plan 5.2).</p>
<p>9. Waterhole Maintenance or Repair</p>	<p>Prohibited discharges to 100-year floodplains do not occur from maintenance or repair of an existing waterhole within the original footprint.</p>	<p>Permanent disturbance to SEZs does not occur from maintenance or repair of an existing waterhole within the original footprint.</p>

Notes:

1. For equipment use on steep slopes in the Lake Tahoe HU, refer to the Basin Plan or the TRPA code of ordinances for prohibitions and exemption criteria.
2. Water Board will consider new information to update this list. The Water Board, after a public hearing, may amend the Timber Waiver to modify the above list.

Attachment P
California Regional Water Quality Control Board
Lahontan Region

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

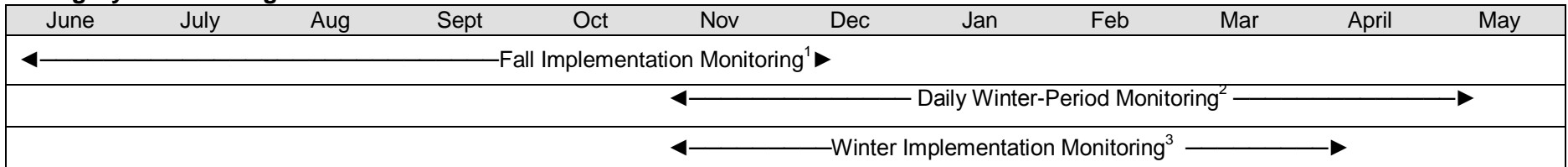
Reporting Required:

Category	Due annually by January 15 for duration of activities:	Due annually by July 15 for duration of activities:	Due upon completion:	Due by July 15 the year following completion of activities:
4	Fall Implementation Monitoring Report (Attachment D)	If required: Daily winter-period (Attachment E) and Winter Implementation (Attachment H) Monitoring Reports	Implementation Monitoring Report (Attachment D) & Activity Completion Form (Attachment M)	Not applicable
5	Fall Implementation Monitoring Report (Attachment G)	If required: Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J)	Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M)	If required: Effectiveness Monitoring Report (Attachment J)
6	Fall Implementation Monitoring Report (Attachment G)	If required: Winter Implementation, Forensic, and Effectiveness Monitoring Reports (Attachments H, I, & J) Daily winter-period monitoring report (Attachment E)	Implementation Monitoring Report (Attachment G) & Activity Completion Form (Attachment M)	If required: Effectiveness Monitoring Report (Attachment J)

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

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

Category 4 Monitoring:

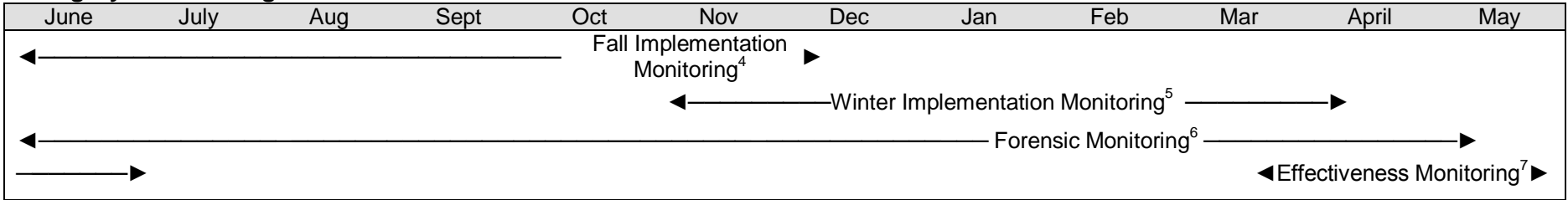


¹ Field work for implementation monitoring must be completed by November 15.

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

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

Category 5 Monitoring:



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

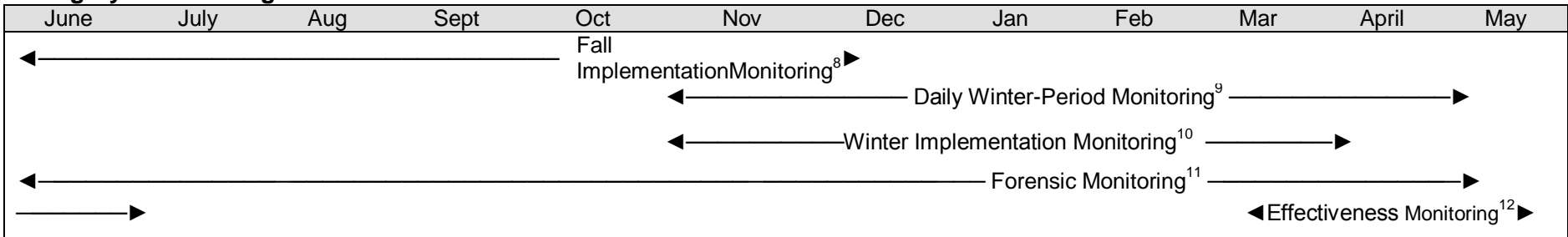
⁵ Winter implementation monitoring is required only when timber harvest and vegetation management activities occur after November 15 and before April 1 (between October 15 and May 1 for Tahoe/Truckee).

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

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

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

Category 6 Monitoring:



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

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

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

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

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

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

Attachment Q
California Regional Water Quality Control Board
Lahontan Region

Required Management Actions for Pile Burning within Waterbody Buffer Zones and Stream Environment Zones under Timber Waiver Category 6

All vegetative management projects that involve pile burning under Category 6 of the Timber Waiver must meet the following requirements. These requirements have been designed to ensure that significant impacts will not occur from those slash piles built or burned within sensitive areas such as Waterbody Buffer Zones and SEZs. Enrollees who cannot meet these specific project requirements must, in their Category 6 Application (Attachment K), provide justification and detailed monitoring and mitigation measures which provide equal protection to these sensitive areas.

For pile burning within an SEZ, complying with these requirements is a condition of eligibility for the exemption, provided in Attachment N, from the Basin Plan Prohibition against the discharge, or threatened discharge, attributable to new development, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral or earthen materials, to SEZs in the Lake Tahoe Basin. Enrollees who cannot meet these requirements within SEZs are not covered under the Basin Plan Prohibition Exemption within this Timber Waiver and must apply for a separate Basin Plan prohibition exemption.

Requirements:

- a. Maintain a minimum 25 foot buffer (no piling or pile burning) from watercourses.
- b. No more than 30% of any acre SEZ/WBBZ acre, or smaller contiguous SEZ/WBBZ area, may be occupied with piles.
- c. No more than 15% of any SEZ/WBBZ acre, or other contiguous SEZ/WBBZ area which is less than one acre, can have burn scars at any time which do not have vegetative recovery, as defined in Attachment A (i.e., not invasive weeds).
- d. All Burn scars must either 1) have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage as soon as the burn is completely extinguished, or 2) have native duff, or organic mulch and seed raked into the scar to a minimum 85% coverage if the scar does not have vegetative recovery (as defined in Attachment A) within two growing seasons following the burn. The duff or mulch/seed raking is intended to facilitate vegetative recovery of the site, limit the opportunity for invasive species re-colonization of the impacted area, increase natural infiltration, and prevent soil erosion. Project implementers that elect option 2) must monitor burn scars and report on vegetative recovery using Timber Waiver monitoring forms and reporting deadlines until vegetative recovery (as defined in Attachment A) is determined to be adequate by the Water Board Executive Officer.

Attachment Q
California Regional Water Quality Control Board
Lahontan Region

Required Management Actions for Pile Burning within Waterbody Buffer Zones and Stream Environment Zones under Timber Waiver Category 6

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

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

Recommendations:

1. When piling the material, distribute the large wood component (> 9 inch diameter logs) so each pile contains less than 40%, by volume, large wood. A smaller volume of large wood component typically will result in lower burn temperatures and shorter burn durations, thereby minimizing adverse effects to the underlying soil.
2. Prior to pile construction, rake native duff away from the area where the pile will be constructed so that it can be raked back onto the burn scar after burning. This action is intended to ensure that sufficient native duff is available to cover the burn scar after the pile, and any adjacent area that may be subject to fire creep, has been burned.
3. Place piles in a non-linear pattern in each unit where possible.
4. Maximize the distance between piles to the extent feasible, maintaining approximately 20 feet average spacing between piles.

Attachment Q
California Regional Water Quality Control Board
Lahontan Region

Required Management Actions for Pile Burning within Waterbody
Buffer Zones and Stream Environment Zones under Timber Waiver
Category 6

5. Burn or remove piles as soon as possible, giving preference to those piles within SEZs.
6. Allow fire to creep between piles and into these buffers, maintaining flame lengths of less than 2 feet in height except where sensitive plant occurrences, fens, and the noxious weeds whitetop and cheatgrass are present.