

**California Regional Water Quality Control Board
North Coast Region**

ORDER No. R1-2009-0028

EXTENDING ORDER NO. R1-2004-0015

**CATEGORICAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES RELATED TO TIMBER HARVEST ACTIVITIES
ON FEDERAL LANDS MANAGED BY THE UNITED STATES DEPARTMENT OF
AGRICULTURE FOREST SERVICE IN THE NORTH COAST REGION**

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Board) finds that:

1. On March 24, 2004 the North Coast Regional Water Quality Control Board adopted Order No. R1-2004-0015, *Categorical Waiver For Discharges Related to Timber Harvest Activities On Federal Lands Managed by the United States Department of Agriculture, Forest Service in the North Coast Region* (Federal Timber Waiver or Waiver).
2. The Federal Timber Waiver expires five years from the date of adoption, March 24, 2009, which is consistent with the five year time period specified for waivers under Water Code section 13269, subdivision (a) (2).
3. Regional Water Board staff are developing a revised Federal Timber Waiver for consideration and adoption by the North Coast Regional Water Quality Control Board as early as June 2009.
4. A temporary short term renewal of the Waiver is needed to continue coverage of federal timber harvest activities in the interim while the revised waiver is developed.
5. The Regional Board has reviewed the terms of the current waiver and determined the terms are adequate for the purpose of the temporary extension of the expiration date. The expiration date is extended no later than December 10, 2009.
6. In accordance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the renewal of a categorical waiver is a "project" and Regional Water Board is the lead agency responsible for approving that project. Section 15061(b) (3) of the CEQA Guidelines (section 15000 et seq of title 14 of the California Code of Regulations) allows a lead agency to find a project exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."
7. The Regional Water Board can see with certainty that the short term renewal of the Waiver with no substantive changes will not have any effect on the environment because the environmental baseline, against which the Regional Water Board considers the environmental impacts of a project, includes the

existing Federal Timber Waiver. There is no possibility that the project will have a significant effect on the environment, and it is, therefore, exempt from CEQA.

8. The Regional Board has notified interested parties of its intent to temporarily extend the Federal Timber Waiver. The Regional Board, in a public meeting on April 23, 2009 heard and considered all comments pertaining to the extension of Federal Conditional Waiver

IT IS HEREBY ORDERED, that Order No. R1-2004-00015 be amended as follows:

Order No. R1-2004-0015, *Categorical Waiver For Discharges Related to Timber Harvest Activities On Federal Lands Managed by the United States Department of Agriculture, Forest Service in the North Coast Region* (Federal Timber Waiver) is extended until a revised Federal Timber Waiver is adopted by the Regional Water Board.

I, Catherine Kuhlman, Executive Officer,
do hereby certify that the foregoing is a full,
true, and correct copy of a Resolution adopted
by the California Regional Water Quality
Control Board, North Coast Region,
on April 23, 2009.

Catherine Kuhlman
Executive Officer