

Mitigated Negative Declaration

This statement and attachments constitutes the Mitigated Negative Declaration as proposed for adoption by the North Coast Regional Water Quality Control Board (Regional Water Board) for the project described below.

Posting Date: April 13, 2010
To State Clearinghouse: April 8, 2010
Comment Period: April 13, 2010, to May 17, 2010
Proposed Adoption Date: June 10, 2010

Project Name: Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on U.S. Forest Service Lands in the North Coast Region

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Project Description: The project consists of the adoption of a proposed order to conditionally waive waste discharge requirements for the US Forest Service that meet specified eligibility criteria and qualify for a waiver under Water Code section 13269. The proposed order replaces the existing order for timber harvest activities with a broader order covering certain activities associated with nonpoint source discharges. Proposed revisions to, and expansion of, the existing waiver would be determined by the Regional Water Board not to adversely affect the quality of, or the beneficial uses of, the waters of the State, to be consistent the applicable Water Quality Control Plan (Basin Plan), and to be in the public interest pursuant to California Water Code section 13269. Any such waivers must be conditional and may be terminated at any time by the Regional Water Board or its Executive Officer.

Project Location: All or parts of Mendocino, Lake, Glenn, Humboldt, Del Norte, Trinity, Siskiyou, Sonoma, and Modoc Counties.

Environmental Finding: The project will not have a significant effect on the environment.

Lead Agency: North Coast Regional Water Quality Control Board
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Other Agencies Who's Approval May be Required: None

Public Hearing: June 10, 2010, Regional Water Board, 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403

Attachments: Initial Study; and, Proposed Order No. R1-2010-0029, Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on U.S. Forest Service Lands in the North Coast Region.

How to Submit Comments: The Lead Agency invites comments on the proposal from all interested persons and parties. Written comments must be received by 5:00 p.m. on May 17, 2010. Written comments should be addressed to the North Coast Regional Water Quality Control Board at the address/fax provided above. Written and/or oral comments will also be accepted at the public hearing. For more information contact: Robert Klamt at (707) 576-2693, or Rklamt@waterboards.ca.gov

California Environmental Quality Act
(CEQA)

INITIAL STUDY

Supporting the Preparation of a Mitigated Negative Declaration

Categorical Waiver of Waste Discharge Requirements

For

Nonpoint Source Discharges Related to
Certain Federal Land Management Activities

On Forest Service Lands

In the

North Coast Region

April 8, 2010

California Regional Water Quality Control Board, North Coast Region

5550 Skylane Blvd.

Santa Rosa, CA

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PROJECT DESCRIPTION

This Project broadens an existing waiver of waste discharge requirements for timber harvesting on federal land to include coverage of nonpoint source discharges associated with certain federal land management activities on United States Forest Service (USFS) lands in a *Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on Forest Service Lands in the North Coast Region* (the "Waiver") through adoption of North Coast Regional Water Quality Control Board (Regional Board) Order No. R1-2010-0029. The Order revises and supersedes the existing Waiver for timber harvesting activities on federal land (Order No. R1-2004-0015).

If adopted, the Regional Board would waive the requirement for the USFS to submit Reports of Waste Discharge (ROWD) and/or obtain Waste Discharge Requirements (WDRs) for discharges, or threatened discharges, of wastes (e.g., earthen materials such as soil, silt, sand, clay, and rock), organic materials (e.g., slash, sawdust, bark, nutrients, and manure), and temporary loss of shade resulting from certain land management activities on US forest lands located in the North Coast Region, including timber harvesting, road maintenance, grazing, recreational activities likely to have water quality impacts from erosion and sedimentation, such as trail use and camping sites; vegetation manipulation, such as fuel management; restoration activities, associated generally with road decommissioning; and fire suppression activities. The waiver is conditioned on USFS compliance with certain general and specific conditions and monitoring and reporting requirements for these activities contained in the Waiver.

The proposed Waiver is attached to this Initial Study.

PURPOSE OF AND NEED FOR PROJECT

The Regional Board has identified land management activities on national forest lands as having the potential to discharge waste in amounts that could affect water quality. The purpose of the Project is to expand an existing Waiver of WDRs for timber harvest activities on USFS lands to include other land management activities that have the potential to result in nonpoint source discharges of waste and require the USFS to comply with identified conditions to protect water quality. This Waiver of WDRs is conditional on compliance with the *Water Quality Management Plan for the North Coast Region* (Basin Plan) and compliance with the conditions in the Waiver to reduce impacts to water quality to less than significant.

Water Code section 13269 allows the Regional Board to waive the requirements of Water Code section 13260 for submittal of a ROWD and issuance of WDRs for specific types of discharges, when those discharges are in the public interest and comply with the requirements of the Basin Plan. The Waiver proposed herein is conditional and may be terminated at any time for cause by the Regional Board.

CONSISTENCY WITH PLANS AND POLICIES FOR WATER QUALITY PROTECTION

The Waiver is a regulatory mechanism intended to ensure that certain nonpoint source USFS land management activities on federal land comply with applicable state water quality regulations, primarily the Porter Cologne Water Quality Act (Water Code §13000 et seq.) and the Basin Plan. The USFS employs a planning process that evaluates

certain of its land management activities, such as road maintenance, construction, and decommissioning, with regard to water quality protection and implements Best Management Practices (BMPs), which are designed to reduce potential impacts to water quality to less than significant levels. Additionally, the USFS planning process results in restoration planning to address legacy discharge sites and improve watershed conditions. The relationship of this Waiver and its conditions to water quality law, regulation, plans, and policies is detailed below.

California Water Code - The Water Code establishes the authority for creation of the state and regional boards and Basin Plans and sets state policies for water quality. Article 4 of the Water Code regulates discharges, or threatened discharges, to waters of the states through WDRs. Section 13269 allows regional boards to waive WDRs for a specific discharge or type of discharge when it determines that such a waiver is consistent with the Basin Plan and is in the public interest.

Water Quality Control Plan (Basin Plan) - The Basin Plan is the Regional Board's primary regulatory document that designates beneficial uses of the surface and ground waters and contains water quality objectives to protect those uses. Additionally, the Basin Plan describes the implementation measures that form the basis for the control of water quality, such as specific prohibitions, action plans, and policies. The Waiver requires compliance with the Basin Plan water quality objectives, prohibitions, action plans, and policies.

California "Anti-degradation Policy" – State Water Resources Control Board (State Board) Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California," while incorporating the federal Antidegradation Policy where the federal policy applies, is more comprehensive than the federal policy. In particular, the state policy applies to both groundwater and surface waters whose quality meets or exceeds (is better than) water quality objectives, and allows reduction of water quality to established Basin Plan objectives only if found to be to the maximum benefit to the people of the state and does not unreasonably affect present and anticipated beneficial uses of such water. The Waiver is consistent with Resolution No. 68-16.

California Nonpoint Source Policy – The State Board adopted in 2004 the *Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program* ("NPS Policy"). The NPS Policy requires regulation of nonpoint source pollution through one of the following permitting authorities:

- Basin Plan prohibitions
- Waste Discharge Requirements
- Waivers of Waste Discharge Requirements

The Waiver complies with the NPS Policy and Water Code section 13369 (a)(2)(B).

Total Maximum Daily Loads (TMDL) – Section 303(d) of the Clean Water Act (CWA) and associated regulations contain provisions for developing TMDLs on impaired waterbodies. Twelve TMDLs have been developed in watersheds managed in part or whole by the USFS. Four of those watersheds have Regional Board adopted implementation plans, which are incorporated by reference into this Waiver. Of these, three are Basin Plan amendments (Klamath, Scott, and Shasta Rivers), and one is a

Memorandum of Understanding with the USFS (Salmon River). The implementation plan for the Scott River TMDL is implemented through a MOU with the USFS as well. Compliance with the Waiver conditions will be considered to be compliance with all applicable TMDLs, those with implementation plans and those without.

Clean Water Act (CWA) – The State Water Resources Control Board (State Board) and regional boards are a delegated federal agency with responsibility for implementing the CWA in California. The Waiver is consistent with the CWA.

Management Agency Agreement – The State Board and USFS entered into a Management Agency Agreement (MAA) in 1981 that was developed through the Clean Water Act section 208 program. The MAA recognizes the USFS as the Water Quality Management Agency and approved the USFS process set out in its water quality management plan, *Water Quality Management for Forest System Lands in California, Best Management Practices* (USFS BMP Manual). The Waiver requires compliance with the USFS Guidance and the USFS BMP Manual and any future revisions that are equally protective.

Federal Antidegradation Policy – This policy applies to surface waters, regardless of the water quality. Where water quality is better than the minimum necessary to support instream uses, the federal policy requires that quality to be maintained and protected, unless the state finds, after ensuring public participation, that:

1. Such activity is necessary to accommodate important economic or social development in the area in which the waters are located,
2. Water quality is adequate to protect existing beneficial uses fully, and
3. The highest statutory and regulatory requirements for all new and existing point source discharges and all cost-effective and reasonable best management practices for nonpoint source control are achieved.

The Waiver is consistent with the Federal Antidegradation Policy.

National Environmental Policy Act (NEPA) – NEPA requires federal agencies, such as the USFS, to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. USFS projects that go through the NEPA process involve substantial public and agency input. The Waiver requires that any analysis prepared pursuant to NEPA of specific USFS land management projects that USFS wants to be covered by the Waiver be submitted to the Regional Board. The Regional Board uses NEPA documentation or other available information, to determine the applicability of the Waiver to any specific project and to determine what specific BMPs and conditions may be required.

Forest – There are six national forests within USFS Region's 5 and 6 that are within the North Coast Region. In USFS Region 5 (Pacific Southwest Region), areas of the Modoc National Forest, Klamath National Forest, Shasta/Trinity National Forest, Six Rivers National Forest, and Mendocino National Forest comprise about 6,793,819 acres of the North Coast Region. In the USFS Region 6 (Pacific Northwest Region),

approximately 95,600 acres of the Rogue River-Siskiyou National Forest are within the North Coast Region.

USFS Guidance – As a federal agency with land management activities spread across large tracts of land, the USFS follows national and regional guidance, policies, and programs (“USFS Guidance”). These direct the management of USFS lands and are applied through a nesting or hierarchy of spatial scales (multiple-region, Forest, watershed, site). The Waiver relies on the implementation of the USFS Guidance and the USFS BMP Manual, and requires monitoring and documentation of the process, as well as watershed conditions. As described in detail below, the USFS Guidance ranges from the overarching goals of the Northwest Forest Plan for watershed assessment and protection to very specific best management practices that can be applied to every activity to prevent, minimize, and mitigate waste discharges.

The Northwest Forest Plan (NWFP) provides overall guidance on a multiple-Forest scale. Land and Resource Management Plans (LRMPs) are developed on the Forest scale. Individual forests use the Watershed Improvement Program (WIP) to guide watershed assessment and restoration on a watershed level. Watershed Restoration Plans are developed from the watershed assessments. The assessments and priorities developed for each watershed in the Watershed Restoration Plans guide USFS site-specific activities within each watershed. The USFS Guidance provides consistency in the management of USFS lands, from the broader multiple-Forest scale down to the individual Forests, watersheds, and the site-specific projects.

Key components of the NWFP, the broadest planning framework, are described below:

The **NWFP** provides the USFS with an assessment and planning process that guides its activities in the Six Rivers, Klamath, Mendocino, and Shasta-Trinity National Forests, as well as that portion of the Modoc National Forest within the NWFP. In 1994, the NWFP amended LRMPs, making them the land management plans for those forests. As such, the guidance and objectives described below are incorporated into the LRMPs.

The **Aquatic Conservation Strategy** (ACS) is the primary mechanism protecting aquatic resources within the NWFP, with its nine objectives to maintain and restore:

- the distribution, diversity, and complexity of watershed and landscape-scale features
- the spatial and temporal connectivity within and between watersheds
- the physical integrity of the aquatic system
- water quality necessary to support healthy riparian, aquatic, and wetland ecosystems
- the sediment regime under which aquatic ecosystems evolved
- in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing
- the species composition and structural diversity of plant communities in riparian areas and wetlands
- the habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species.

A portion of the Modoc National Forest is not included in the NWFP, but rather is covered by the Sierra Nevada Forest Plan (SNFP), amended in 2004. The SNFP is analogous to the NWFP, providing similar guidance for forests in the Sierra Nevada mountains and Modoc Plateau. The SNFP equivalent to the “Riparian Reserve” is the “Riparian Conservation Area.” The term “designated riparian zone” is defined and used in this Initial Study to include both the NWFP “Riparian Reserve” and the SNFP “Riparian Conservation Area.”

Designated riparian zones are a key component of the ACS, comprising lands along streams and unstable and potentially unstable areas where special standards and guidelines direct land use. Designated riparian zone apply to all ephemeral, intermittent, and perennial streams and geologically unstable areas. These designated riparian zones maintain hydrologic, geomorphic and ecological processes that directly affect streams and fish habitats. Widths of the zones can range from a minimum of 100 feet on each side of ephemeral and/or intermittent streams to over 300 feet on each side of perennial fish bearing streams. Only activities that protect or enhance ACS objectives are permissible within with a designated riparian zone.

Designated riparian zones serve to protect aquatic resources and water quality from timber harvesting activities, road building, and other nonpoint source activities such as grazing, by maintaining a diverse riparian community that provides resiliency to the system, a buffer area from upslope activities, canopy for shade and aquatic nutrition, and maintaining the function of the riparian areas to filter and meter sediment coming from hillsides and down a water course.

The **Watershed Improvement Program** (WIP) guides assessment of watershed conditions, inventories and identifies watershed restoration needs, and implements restoration activities. Implementation of the WIP results in analysis and restoration on a watershed scale.

As set out in the WIP, each Forest identifies the priority watersheds for restoration, and the essential projects that will bring about improvement in watershed condition. The intent of the program is to focus watershed restoration activities in priority watersheds and progress through the priority watersheds in a stepwise manner, eventually providing assessment and restoration for all the watersheds. However, watershed restoration projects are not limited to priority watersheds.

The primary components of the WIP are:

- Priority Watershed Selection (“Key Watersheds”)
- Watershed Assessments or Watershed Analyses
- Watershed Improvement Needs Inventories
- Essential Project Identification (e.g., road crossings, road decommissioning, landslide stabilization)
- Watershed Restoration Plans
- Annual Watershed Improvement Accomplishments Reporting

The WIP, including the selection of Key Watersheds, Watershed Analysis, and Watershed Restoration planning, are important components for addressing legacy¹ nonpoint sources, and are described below:

Key Watersheds comprise a system of large refugia on a watershed scale that are specifically established for the protection of fish and water quality. Twenty-two of the watersheds managed by the USFS within the North Coast Water Board Region are Key Watersheds (about 20% of the region). Key Watersheds are the cornerstone for maintaining or recovering habitat for anadromous and resident fish species. Direction for these watersheds includes placing a high priority on restoration and establishing a policy of no net increase in road mileage.

Watershed Analysis evaluates the geomorphic and ecological processes operating in a watershed and is intended to enable watershed planning that achieves ACS objectives. Watershed Analysis provides the basis for monitoring and restoration programs, and has been completed for a majority of the USFS watersheds in the Regional Board's jurisdiction. The Waiver requires the USFS to provide a list of watersheds that have not undergone watershed analysis, with an anticipated date for completion of the analysis.

Watershed analysis provides the necessary information for restoration planning through the identification of watershed problems, such as erosional features, problem roads and road sections, and riparian areas not meeting the ACS objectives, as well as those areas that should be preserved.

Watershed Restoration is a comprehensive, long-term program of restoration and remediation of sites within the watershed scale intended to restore watershed health and aquatic ecosystems, including the habitats supporting fish and other aquatic and riparian-dependent organisms. Current restoration emphasis is on control and prevention of road runoff and sediment through road upgrading and road decommissioning. Watershed level assessment and planning is used to determine needs on the finer watershed scale.

The development of a Watershed Restoration Plan guides restoration by identifying prevention, restoration (inventory, prioritization and implementation on a site-specific scale), and monitoring activities within a watershed. Implementation of the Watershed Restoration Plan addresses legacy and potential sediment delivery sites and riparian area needs, as well as other improvements, such as instream habitat enhancement or forest stand conditions identified in the Watershed Restoration Plan.

Past activities that have led to water quality problems on the site-specific scale are addressed through this program on a priority basis. The identification and prioritization of activities to address problems on a site-specific scale and meet goals for improving and maintaining watershed

¹ Legacy sources or sites are considered those existing discharge or potential discharge areas or sites that are the result of human activity from the past and can reasonably and feasibly be remedied.

functions within a watershed context is an important component for the Regional Board's nonpoint source program and TMDL compliance.

USFS documents that provide guidance for this watershed scale planning and assessment, include, but are not limited to:

- The USFS Region 5 FSH 2509.22 Soil and Water Conservation Handbook Chapter 20 (July 1988), which provides direction for assessing cumulative watershed effects.
- The USFS Manual, Chapter 2020 (September 2008), which provides a policy for using ecological restoration in the management of National Forest lands, further supporting watershed analysis and restoration and the ACS.

Individual projects and activities undergo analysis to determine management practices (BMPs) on a site-specific scale to avoid water quality impacts. On-the-ground prescriptions to implement each BMP are then implemented for each activity. Several documents and processes provide guidance for effective implementation of site-specific, on-the-ground prescriptions, including, but not limited to:

- Individual Forest Land and Resource Management Plans
- USFS Timber Sales Administration Handbook
- Project-specific design criteria
- Regional Soils Standards included in the LRMPs provide direction for protecting soil productivity, particularly as it applies to ground disturbance relative to soil compaction and erosion.
- Wet Weather Operation Standards that address practices that each Forest has to implement to avoid erosion and sedimentation from activities conducted during wet weather.
- Project implementation mechanisms (e.g., contracts, permits, and other agreements)

The Waiver specifically requires that those land management activities addressed by this Waiver comply with the USFS Guidance and BMP Manual to protect water quality and reduce any potential impacts to water quality to less than significant. Specific land management projects on US forest land that cannot meet the conditions set forth in the Waiver must be regulated through waste discharge requirements or some other permitting mechanism.

SPECIFICS OF THE PROPOSED PROJECT

The intent of the Waiver is to cover only those nonpoint source activities for which potential impacts to water quality can be reduced to less than significant through implementation of USFS Guidance and the USFS BMP Manual, as well as general and specific waiver conditions, which ensure that activities comply with water quality standards.

The Waiver does not cover CWA section 404 dredge and fill permits, construction stormwater activities addressed through the statewide general NPDES permit for construction stormwater, nor other permits that may be required by other agencies.

The basis for waiving WDRs is that the USFS has developed a wide ranging and comprehensive water quality management program, that when properly implemented through its USFS Guidance and the USFS BMP Manual is protective of water quality. As such, the Waiver contains: 1) conditions that ensure that the USFS implement the USFS Guidance and the USFS BMP Manual for all of its activities and projects, 2) an inspection program that will document ongoing practices and implementation, and 3) monitoring to evaluate its effectiveness.

The Waiver contains two categories of activities based on potential risk to water quality. Those categories include low risk activities (e.g., non-commercial Christmas tree cutting, hazard tree removal along roads) and the moderate risk activities (e.g. timber harvest and road building). For example, for a moderate risk activity such as tree removal, characteristics such as method of tree removal, intensity, proximity of activities to surface waters, and the sensitivity of the area will influence the BMPs and on-the-ground prescriptions needed to ensure the activity will have a less-than-significant impact on water quality.

The Waiver establishes general conditions for all USFS activities and an application procedure for specific projects for moderate risk activities. The application procedure requires sufficient documentation of the potential for water quality impacts and identification of BMPs and on-the-ground prescriptions in order for the Regional Board to determine eligibility for the Waiver.

Activities considered by the Regional Board to have a low risk of potential impact to water quality are eligible for Category A, and those activities that are considered to have a moderate risk of impact to water quality are put into Category B, and require additional specific conditions.

The Regional Board recognizes that certain factors increase the risk of impacts to water quality, with risk factors generally falling into three broad categories:

- the activity's proximity to water (e.g. inside a designated zone vs. outside a designated riparian zone);
- the type and size of the activity;
- the on-the-ground conditions where the activity takes place (e.g. equipment on steep ground vs. flat ground).

Specific Waiver conditions require that a federal Forestry Professional, Natural Resource Professional, or supervised designee identify in planning documents and disclose within NEPA documents whether any of the following are included within a proposed project:

- a) activities within or which could affect:
 - i. designated riparian zones; or
 - ii. wetlands; or
 - iii. known landslides or unstable areas.

- b) type of activity:
- i. construction of new watercourse crossings or reconstruction/modification of existing watercourse crossings;
 - ii. use or reconstruction of existing, or construction of new, landings or skid trails within designated riparian zones;
 - iii. equipment operations within designated riparian zones, except on existing permanent roads or crossings;
 - iv. prescribed fire within designated riparian zones;
 - v. pile burning within designated riparian zones;
 - vi. road decommissioning within designated riparian zones;
 - vii. instream restoration projects;
 - viii. forest restoration, including timber harvest and fuel reduction projects involving thinning within outer edges of designated riparian zones which utilize endlining or equipment; or
 - ix. heavy equipment use on slopes over 40%.

When any of the activities or conditions listed above exist, a federal Forestry Professional, Natural Resource Professional, or supervised designee are required to clearly indicate within NEPA documents the project modifications, design features, and/or mitigation measures to be implemented to avoid any adverse impact(s) to water quality.

Multi-disciplinary review of the proposed Project is required by the Waiver, including review by watershed specialists, along with the inclusion of specific BMPs in conformance with the USFS BMP Manual, and additional control measures as needed. All activities must be conducted in accordance with the NEPA document and/or with the Waiver application, including project modifications, design features, and/or mitigation measures to avoid any adverse impact(s) to water quality. Specific on-the-ground prescriptions must be included in the project contracts, permits, work orders, or other implementation mechanism.

The Waiver requires that the USFS inventory and prioritize pre-existing sediment delivery sites and develop a remediation schedule. The Waiver also requires verification that the USFS is actively addressing threats to water quality from the inventoried pre-existing controllable sediment discharge sites. Within six (6) months of adoption of the Waiver, each Forest must provide to the Regional Board a list of watersheds, including the watershed name and the date the watershed assessment and/or watershed restoration plan was completed or is scheduled for completion. The list will be updated annually.

The Waiver requires that disturbed areas created by project activities within designated riparian zones must be stabilized prior to the beginning of the winter period, prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours, or at the conclusion of operations, whichever is sooner.

The USFS issues permits for grazing on Forest lands, which set specific criteria to protect resource values, such as water quality, and to coordinate livestock grazing with other resource uses. At most, a permit is for a renewable, 10-year term. A permit may be renewed, but not significantly modified, unless NEPA has been completed that addresses the modification. A permit may not be renewed if the Rescission Schedule deadline has passed and NEPA has not been completed. Each Forest is required by the

Waiver to ensure that grazing activities are consistent with the nine ACS goals, the USFS BMP Manual, and the requirements to review allotments according to the USFS rescission schedule.

The Waiver requires the USFS to conduct any additional assessments and environmental documentation that may be needed for new roads associated with timber harvesting activities.

Where a proposed activity includes direct or indirect effects to water quality, the Waiver requires the USFS to conduct a cumulative watershed effects (CWE) analysis and include specific measures in the proposed Project needed to reduce the potential for CWEs in order to assure compliance with the Basin Plan.

The Waiver also incorporates monitoring and reporting requirements (MRP). The current USFS Best Management Practices Evaluation Program (BMPEP) satisfies some Waiver monitoring requirements, however additional monitoring is needed: focused administrative effectiveness monitoring for Category B - moderate risk activities, non-random BMPEP in “high risk” watersheds, road patrols after major storms, retrospective monitoring of a subsample of BMPs five years post-implementation, and in-channel long-term monitoring.

The monitoring and reporting section of the Waiver requires development of a quality assurance and quality control plan to address all aspects of the monitoring program, such as standardized procedures for selecting sampling locations, standard operating procedures and methods, training, and a feedback loop for modifications as necessary.

In 2010, the Klamath National Forest developed a sediment and water temperature monitoring plan entitled “Klamath National Forest Sediment and Temperature Monitoring Plan and Quality Assurance Plan” (Klamath Monitoring Plan) that will be used to address the monitoring needs for the Waiver, as appropriate, and TMDLs for the portions of the Klamath National Forest in the Scott, Shasta, Salmon, and Klamath watersheds.

Each Forest is required by the Waiver to prepare an annual report summarizing and discussing the monitoring results by March 15 each year following the monitoring. Regional Board staff will review the reports and provide each Forest with comments. The comments will be discussed with each Forest, and any agreed to changes incorporated into the next year’s monitoring.

ENVIRONMENTAL SETTING

This project applies to all Federal Lands managed by the USFS in the North Coast Region. The North Coast Region (Figure 1) encompasses all watersheds draining into the Pacific Ocean from the California-Oregon state line on the north to the boundary of the watershed of the Estero de San Antonio and Stemple Creek in Marin and Sonoma Counties to the south. That area totals 12,409,600 acres (19,390 miles²) of lands owned or controlled by private landowners, cities, counties, and federal and state land management agencies.

The North Coast Region is characterized by distinct temperature zones. Along the coast, the climate is moderate and foggy and with moderated temperature variations. For example, at Eureka, the seasonal variation in temperature has not exceeded 63°F

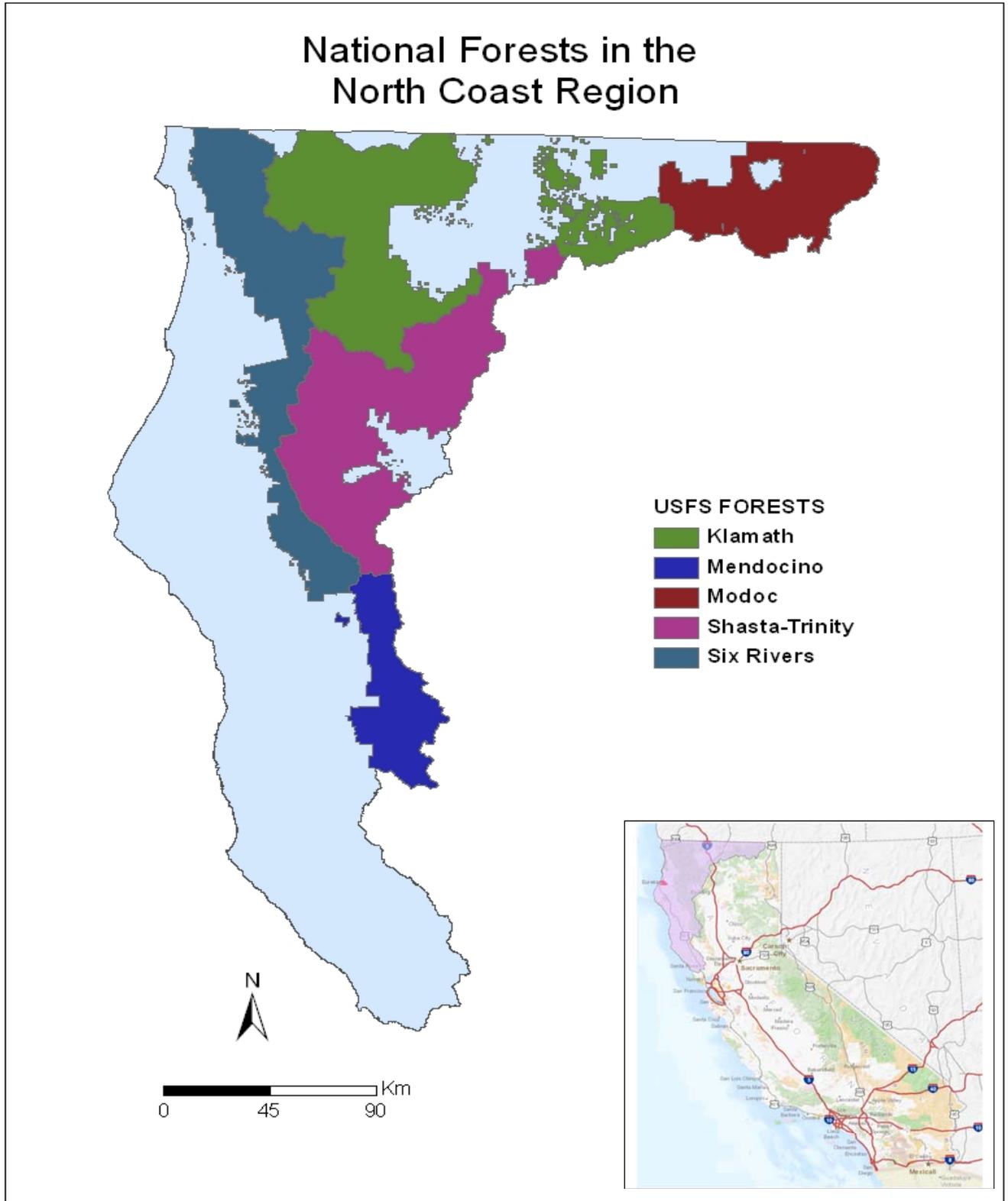
for the period of record. Inland, however, seasonal temperature ranges in excess of 100°F have been recorded.

Precipitation over the North Coast Region exceeds any other part of California, and damaging floods are a fairly frequent hazard. About 40% of the state's runoff occurs in the North Coast Region, which is about 17% of the land area of the state. Ample precipitation in combination with the mild climate found over most of the North Coast Region has provided a wealth of fish, wildlife, and scenic resources. The mountainous nature of the Region, with its dense coniferous forests interspersed with grassy or chaparral covered slopes, provides shelter and food for deer, elk, bear, mountain lion, furbearers and many upland bird and mammal species. The numerous streams and rivers of the Region are home to salmon and steelhead and other important fish species, and the reservoirs, although few in number, support both coldwater and warm water habitats.

The USFS manages lands encompassing approximately 55.5% of the North Coast Region (6,889,419 acres) spread between two USFS Regions and six national forests:

- a. The USFS Region 5 (Pacific Southwest Region), manages all of or a portion of the following National Forests: Modoc National Forest, Klamath National Forest, Shasta/Trinity National Forest, Six Rivers National Forest, and Mendocino National Forest. These Forests comprise about 6,793,819 acres of the North Coast Region.
- b. The USFS Region 6 (Pacific Northwest Region) manages a portion of the Rogue River-Siskiyou National Forest, accounting for approximately 95,600 acres of the North Coast Region.

Figure 1. Project Area, the North Coast Region with the five national forests.



DISCUSSION OF POTENTIAL EFFECTS OF PROPOSED PROJECT

The California Environmental Quality Act (CEQA) requires a Lead Agency to prepare an Initial Study to determine whether a project may have a significant effect on the environment (California Code of Regulations (CCR), title 14, section 15063(a)). A "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CCR 14, section 15382). If the Initial Study does not show that there is substantial evidence, in light of the whole record before the agency, that a project may have a significant effect on the environment, a Negative Declaration may be prepared. If the Initial Study identifies potentially significant effects, but identifies revisions or conditions to mitigate the effects to a point where clearly no significant effects would occur, a Mitigated Negative Declaration may be prepared (CCR title 14, section 15070).

The Regional Board has waived waste discharge requirements for timber harvesting activities conducted on USFS lands since 1987. The current waiver, Order No. R1-2004-0015 was adopted in April 2004. The Regional Board prepared an Initial Study and adopted a Negative Declaration for the USFS Timber Waiver in March 2004. That 2004 waiver was renewed temporarily by Order No. R1-2009-0114 in December, 2009, which extended the existing waiver conditions until completion of a revised waiver could be completed and considered by the Regional Board.

The Waiver, proposed Order No. R1-2010-0029, expands the waiver of WDRs for timber harvesting activities to nonpoint source activities that pose low to moderate risk of impacts to water quality. It contains conditions that when implemented will result in no significant environmental impact to the waters of the state.

Consistent with the CEQA Guidelines' Class 7 Exemption, this Order (and Waiver) is an action taken by a regulatory agency "to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment" (14 CCR § 15307). Additionally, consistent with Class 8, this Order is an action taken by a regulatory agency "to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." (14 CCR § 15308.) Despite the applicability of CEQA exemptions for these activities, the Regional Board has prepared this Initial Study. The resulting Mitigated Negative Declaration is fully supported by the record and the law. There is no evidence in the record to support a fair argument that the Waiver will result in significant environmental effects.

The Waiver was developed specifically to provide a regulatory mechanism to ensure that certain ongoing land management activities on USFS land that could result in nonpoint source discharges comply with state water quality regulations, to ensure that the USFS continues to conduct watershed restoration activities as called for in its guidelines, and to ensure that USFS activities utilize all applicable standards, guidelines, and BMPs necessary to reduce potential impacts to water quality to a level of non-significance. Activities that are determined to cause an adverse environmental impact are not covered by the Waiver, and are required to be regulated under another mechanism such as Waste Discharge Requirements or other permit. The Waiver covers nonpoint source activities on USFS land described below that have the potential to

impact waters of the state. Most of the potential water quality impacts are associated with erosion and sediment delivery and/or changes to riparian systems that may reduce shade and affect water temperatures.

- Timber harvesting activities on USFS lands and the associated road network have the potential to generate sediment from equipment use and from erosion of bare ground on roads, landings, and skid trails, and to reduce shade canopy from tree removal due to logging, road construction, and equipment operations.
- Road maintenance, construction, and decommissioning activities pose a potential to impact water quality through erosional processes, mass wasting, and canopy removal. The USFS road network is extensive, serving the multiple uses associated with public forest lands (e.g., timber harvest, recreation, mining, grazing)
- Grazing has the potential to create sediment impacts in riparian areas through increased sediment load, increased instream trampling and compaction, increased disturbance and erosion from overgrazed stream banks, reduced sediment trapping by riparian and instream vegetation, and decreased bank stability. Improper grazing can lead to removal of shade by browsing livestock. In addition, nutrients and pathogens can be discharged from animal waste products.
- Recreational activities span a wide variety, the most likely to produce water quality impacts being erosion and sedimentation associated with trails, roads, and camping sites.
- Vegetation manipulation beyond timber harvesting primarily is associated with fuel management to reduce the likelihood and severity of wildfire, forest rehabilitation activities (selection cuts and thinning addressed as timber harvest), and riparian area rehabilitation to improve diversity and promote conifer species. These activities can generate sediment and alter natural shade conditions.
- Restoration activities are generally associated with road decommissioning (addressed above), remediation of existing and potential sediment discharge sites, instream habitat improvements, and forest rehabilitation.
- Fire Suppression activities may generate sediment and impact riparian areas during the fire fighting process with road building, fire line construction, and back-burning. Immediate remediation of potential discharge sites is included in that process as a post-fire activity under the Burned Area Emergency Response program. Fire fighting and the BAER are conducted under specific plans and procedures in each Forest's management plan. Projects are developed on a post-emergency basis to address erosion control, reforestation, and riparian improvements.

With the exception of emergencies, work necessary to protect life, property, or important natural or cultural resources, all of the above listed activities go through the National Environmental Policy Act (NEPA) process of identifying potential environmental impacts. That analysis includes scoping, consideration of alternatives, a public

comment period, environmental analysis, and selection of a preferred alternative, with an appeal process. For individual Category B projects, the USFS must conduct a multi-disciplinary review of the proposed activity and identify on-the-ground prescriptions needed to implement the USFS BMP Manual, and any additional control measures for the proposed activity. The Waiver requires the USFS to provide documentation of the environmental analysis, and when needed, to provide additional analysis, in order for the Regional Board to determine if the activity is compliant with the Waiver conditions and that the activity will not result in significant environmental impact.

The checklist that follows provides additional information on the nature of potential impacts, the mitigations to reduce potential impacts to less than significant, and other regulations that address potential impacts other than to the waters of the state.

INITIAL STUDY/ENVIRONMENTAL CHECKLIST

1. **Project title:**
Categorical Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Federal Land Management Activities On Forest Service Lands In the North Coast Region
2. **Lead agency name and address:**
California Regional Water Quality Control Board, North Coast Region (Regional Board)
5550 Skylane Blvd.
Santa Rosa, CA 95403
3. **Preparer and phone number:**
Jim Burke, (707) 576-2289
4. **Project location:** North Coast region (Figure 1), which comprises all basins including Lower Klamath Lake and Lost River Basins draining into the Pacific Ocean from the California-Oregon state line southerly to the southerly boundary of the watershed of the Estero de San Antonio and Stemple Creek in Marin and Sonoma Counties.
5. **Project sponsor's name and address:**
North Coast Regional Water Board
5550 Skylane Blvd.
Santa Rosa, CA 95403
Attn: Bob Klamt
8. **Brief Description of project:**
This Project renews and expands an existing Waiver to cover those land management activities on USFS lands for which potential impacts to water quality from nonpoint source discharges can be reduced to less than significant through Waiver conditions which require implementation of USFS Guidance and the USFS BMP Manual. The purpose of the Project is to protect water quality and the beneficial uses of water and to clarify and facilitate federal agency compliance with the Basin Plan and waiver conditions.
9. **Surrounding land uses and setting:**
Rangeland grazing, recreation, gravel mining, timber harvest, irrigated agriculture, open space, and urban uses.
10. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.)
With the exception of emergencies, Projects enrolling in this Waiver must first have gone through the USFS NEPA decision making process (described above) and received a legal notice of decision. This Categorical Waiver may be superseded by the adoption by the State Water Board or Regional Board of specific waste discharge requirements or general waste discharge requirements for types of discharges covered by this project.

California Department of Fish and Game Code section 1603 generally prohibits persons from substantially diverting or obstructing the natural flow or

substantially changing the bed, channel, or bank of any river, stream, or lake designated by CDFG, or from using any material from the streambeds, unless they have first notified CDFG of the activity. All rivers, streams, and lakes in California have been designated by CDFG, pursuant to California Code of Regulations, title 14, section 720. In addition, Section 1603 generally prohibits persons from commencing any activity affected by Section 1603 until CDFG has found that the activity will not substantially adversely affect an existing fish or wildlife resource, or until CDFG proposals, or the decisions of a panel of arbitrators assembled pursuant to procedures set forth in Section 1603, have been incorporated into the activity. CDFG enters into lake or streambed alteration agreements (“1603 Agreements”) with those persons who notify CDFG of their proposed activities pursuant to Section 1603 in cases where CDFG determines the activities may substantially adversely affect an existing fish or wildlife resource.

This project does not preclude the need for persons conducting activities on USFS land to obtain permits which may be required by other local, state and federal governmental agencies.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors marked below would be potentially affected by this project, as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input checked="" type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial study:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?		X		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

- a-c) Forest Service activities covered under the Waiver could potentially result in some aesthetic impacts, however, any such impacts will be restricted in size, magnitude, and duration. Examples of USFS activities that could result in aesthetic impacts include, but are not limited to, disturbed ground from new road construction, restoration, or cattle grazing. Vegetation management such as fuels treatment or fire rehabilitation will visually alter forest stands for a period of time until regrowth occurs.

Scenic Quality of or within National Forests is valued for the aesthetic enjoyment and physiological benefits it offers. “Viewing Wildlife” and “Viewing Natural Features” are among the top recreational activities of visitors to National Forests. Visual quality objectives (VQO) are included in each Forest’s LRMP and visual impacts are considered in the design of each project. Each Forest is already required to manage visual resources to conserve the natural scenic character of the Forest, meet the visual VQOs adopted in its LRMP, emphasize management of the visual resource seen from communities, high-use recreation areas and major roads and trails, and conserve the inherent scenic attractiveness of distinctive landscapes. Pre-project evaluation applies the methodology and design features from current National Forest Landscape Management (USDA 1974).

Forest Service activities covered by the Waiver could have aesthetic impacts; however, because the Waiver requires all projects to comply with USFS Guidance and the USFS BMP Manual, and the USFS already has in place policies and procedures for identifying and protecting visual resources, the appropriate finding is **less than significant with mitigation incorporation**.

- d) The proposed project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views; therefore, the appropriate finding is **no impact**.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

- a-c) Forest Service lands are not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance or otherwise zoned for agricultural use. The proposed project would not involve converting or re-zoning agricultural land to non-agricultural use. There will be no change to agricultural resources in the project area over existing conditions due to USFS activities covered under the Waiver; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

a-e) Forest Service activities covered by the Waiver may generate dust emissions as the result of road and trail construction and use, and other construction activities associated with USFS projects. However, dust generated from USFS activities affects air quality for a very short period of time and only in the close vicinity of the project area. The USFS BMP Manual (Practice 2-23), *Road Surface Treatment to Prevent Loss of Material*, requires road surface treatment strategies for all projects such as watering, dust oiling, penetration oiling, sealing, aggregate surfacing, chip sealing, or paving, depending on traffic, soils, geology, and road design specifications. Each strategy will address the reasonable opportunities to reduce the level of short-term and long-term dust generated from existing roads and those constructed in the future. Other air pollutants may be emitted during such activities, including from use of heavy equipment engines. Smoke will be emitted during prescribed burning of logging slash. However, the USFS is required by its own internal regulations to maintain air quality consistent with legal requirements and avoid prolonged air quality impacts to local communities. The Waiver requires the Forest Service to comply with all applicable local, state, and federal regulations, which includes the Clean Air Act as well as the air quality standards established by the California Air Resources

Board and the local Air Pollution Control Districts. Chapter 2580, Air Resource Management, of Forest Service Manual 2500, requires that USFS managers Monitor the effects of air pollution and atmospheric deposition on forest resources; Monitor air pollutants when Forest Service goals and objectives are at risk and adequate data are not available; Cooperate with Federal, State, and local air regulatory agencies to protect resource values; participate with them in the assessment of air quality monitoring needs and in the development or revisions of air quality standards and regulations affecting forest resource; Ensure that all land and resource management activities comply with all substantive and procedural requirements of Federal, State, interstate, or local air regulatory authorities.

Because potential impacts to air quality are short-term and the Waiver requires compliance with all local, state, and federal regulations, including the Clean Air Act and applicable state air quality standards, activities covered by the Waiver are not expected to have a significant impact on air quality, and therefore, the appropriate finding is **less than significant impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

a-d) Forest Service activities covered by the Waiver could potentially result in adverse impacts to biological resources. Examples of potential impacts include discharge of sediment to streams due to ground disturbance from restoration activities, increased thermal loading to streams due to vegetation removal, and discharge of nutrients from grazing. However, the Waiver contains both general and specific conditions and provisions as well as a monitoring and reporting program designed to ensure that activities covered under the Waiver will have less than significant impacts to biological resources, including candidate, sensitive or special status species or their habitat (including wetlands, riparian areas and/or nursery sites).

The Waiver requires compliance with the Basin Plan, which requires that covered USFS activities do not violate water quality standards. The Basin Plan specifies region-wide water quality objectives for waste discharges subject to the Waiver. These objectives set narrative or numeric limits for constituents that may be associated with USFS activities such as biostimulatory substances, dissolved oxygen, floating materials, pH, sediment, settleable and suspended materials, temperature, toxicity, nondegradation of aquatic communities and populations, and pesticides.

These water quality objectives are established to protect beneficial uses of the region's waters. The water quality objectives in conjunction with the identification of water body-specific beneficial uses constitute the water quality standards. Beneficial use designations in the North Coast Region incorporate protection of biological habitats and sensitive species, including eight separate designations for biological resources (Warm Freshwater Habitat; Cold Freshwater Habitat; Inland Saline Water Habitat; Wildlife Habitat; Preservation of Areas of Special Biological Significance; Rare, Threatened, or Endangered Species; Migration of Aquatic Organisms; Spawning, Reproduction, and Development). Because the Waiver requires compliance with the Basin Plan, all of these beneficial uses are protected from adverse impacts of USFS activities covered under the Waiver. Additionally, the Waiver contains specific conditions related to preventing sediment transport to water bodies and protection of riparian vegetation. These include limiting activities within designated riparian zones, requiring compliance

with specific conditions set out in the Waiver for any activities within a riparian zone, and requiring that the USFS manage and maintain designated riparian zones to ensure retention of adequate vegetation that results in natural shade conditions within fish bearing streams.

Therefore, activities that proceed in compliance with the Waiver will be designed and implemented to ensure biological resources are protected, and any potential impacts will be reduced to less than significant levels.

Forest Service activities covered by the Waiver must comply with existing regulations regarding any species identified as a candidate, sensitive, or special status species that currently apply, including the Federal Endangered Species Act. Specifically, the Waiver states that it does not authorize any act that results in the taking of a threatened or endangered species. In addition, the Waiver requires the USFS and the specific project applying for coverage under the Waiver to, “comply with applicable local, state or federal laws and regulations.” Covered USFS activities are subject to evaluation of potential environmental impacts and mitigation pursuant to NEPA. Forest Service requires that its staff coordinate with the California Department of Fish and Game (CDFG) during project planning, where potential impacts to threatened or endangered species are identified.

In addition to state water quality standards, the Waiver requires that USFS activities be designed and implemented to comply with the USFS Guidance and the USFS BMP Manual to protect water quality. In addition to reducing impacts to water quality, the goals of the USFS Guidance and the USFS BMP Manual are to maintain a healthy forest ecosystem with habitat that will support populations of native species, particularly those associated with late-successional and old growth forests, identify key watersheds, and evaluate and prioritize watershed restoration needs.

The USFS Guidance and USFS BMP Manual provide a suite of mitigation measures to prevent impacts to water quality from discharge of sediment and temperature. In addition, the USFS BMP Manual also includes “Range Management” BMPs, which are specifically designed to control nonpoint source pollution from livestock grazing, including discharge of sediment and nutrients. Range Management BMPs include Range Analysis and Planning, Grazing Permit System, and Range Improvement, all of which are designed to lessen potential environmental impacts from grazing activities.

In addition to the USFS Guidance and the USFS BMP Manual, the Forest Service has a number of additional requirements for Forest Service activities set out in various guidance material (hereafter referred to generally as “Management Directions”). These Management Directions, specifically Forest Service Manual series 2000, “National Forest Resource Management,” include the following objectives for the maintenance and protection of the biological environment.

Biological Diversity (FSM chapter 2070)

- Manage for compositional, structural, and functional attributes of biologically diverse forest, rangeland, and aquatic ecosystems consistent with ecological processes in the province. Forest Service activities must recognize the

importance of the interactions of ecosystems at the regional, landscape, and site levels.

- Maintain diverse and productive wildlife, fish, and sensitive plant habitats as an integral part of the ecosystem.
- Manage for desired healthy, resilient populations commensurate with ecological processes (such as fire), while meeting the multiple use objectives. Strive to meet the 1990 RPA population targets for selected species.
- Manage for a healthy forest, within natural ecological.
- Emphasize the maintenance or improvement of Endangered, Threatened and Sensitive (TE&S) species habitat, species associations habitat, and game species habitat. Use specific project direction found in the Recovery Plans for individual species to help recover the viability of species currently listed as Endangered and Threatened. Manage to provide "good" habitat conditions for these groups, if that habitat type is within the range of the natural ecosystem.

Wildlife (FSM Title 2600)

- Coordinate habitat improvement activities with the California Department of Fish and Game (CDFG) to help meet the State's management plan goals for deer, pronghorn antelope, and other species.
- Develop and/or maintain unique wildlife habitats on the Forest, such as wetlands, meadows, rocky cliffs, etc.

Fisheries (FSM Title 2600)

- Coordinate internally and externally to implement the Aquatic Conservation Strategy and manage designated riparian zones consistent with Forest direction.
- Work to increase public awareness and appreciation of aquatic resources. In addition, the Aquatic Conservation Strategy contained in the NWFP was developed to improve and maintain the ecological health of watersheds and aquatic ecosystems contained within them on federal public lands. The components of the Aquatic Conservation strategy are designed to operate together to maintain and restore the productivity and resiliency of riparian and aquatic ecosystems and include the following objectives:
 - Maintain and restore the distribution, diversity, and complexity of watershed-and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.
 - Maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal, and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries, and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements of aquatic- and riparian-dependent species.
 - Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.
 - Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction and migration of individuals composing aquatic and riparian communities.

- Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage and transport.
- Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic and wetland habitats and to retain patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected.
- Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.
- Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.
- Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.

As noted by the Management Directions, the USFS internal policies already place a high emphasis on the protection of biological resources. In addition, the Waiver conditions and required USFS Guidance and the USFS BMP Manual will ensure that any impacts to biological resources in the project area are mitigated to less than significant, and therefore, the appropriate finding is **less than significant with mitigation incorporation**.

- e-f) The Waiver does not preclude the USFS from the need to comply with applicable local, state or federal laws and regulations. However, USFS lands are not within the jurisdiction of local policies and ordinances, therefore, the Waiver does not conflict with local regulation protecting biological resources, such as a tree preservation policy or ordinance. The requirements of any habitat conservation plan are not superseded by the Waiver. Therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

a-d) Forest Service activities covered under the Waiver have the potential to impact cultural resources. Such impacts could result from activities such as road construction, reconstruction, decommissioning, or maintenance, vegetation management, or restoration work. Ground disturbance from these activities could disturb historic, archaeological, paleontological resources, or unit geological features. However, federal regulations adopted to protect such resources already require that Forest Service land managers identify and protect such sites. Waiver conditions require that all projects must comply with all applicable local, State and Federal regulations. Identification and protection of these resources will, therefore, occur during the implementation of each project.

The following Federal regulations apply to all activities conducted on USFS lands:

- **Preservation of American Antiquities Act** – States that any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined, be imprisoned, or both at the discretion of the court.
- **National Historic Preservation Act** - requires that federal agencies act as responsible stewards of the nation's resources when their actions affect historic properties.
- **Preservation of Historical and Archeological Data** – seeks to protect against the threat of irreparable loss or destruction of significant scientific, prehistoric, historic, or archeological data by Federal construction projects.
- **Archaeological Resources Protection Act** - secures the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources.
- **Native American Graves Protection and Repatriation Act** - provides a process for museums and Federal agencies to return certain Native American cultural items -- human remains, funerary objects, sacred objects, or objects of cultural patrimony -- to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. The Act includes provisions for

unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on Federal and tribal lands, and penalties for noncompliance and illegal trafficking.

Cultural sites that would potentially be impacted will be identified and protected as required by Federal and State regulations. Therefore, any impacts to the cultural resources of the project area will be **less than significant**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?		X		
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

- a i-iii) The Waiver does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. Because the project does not involve these factors, the appropriate finding is **no impact**.
- a iv) The Waiver does not change the exposure of people or structures to potential substantial adverse effects involving landslides due to USFS activities over current conditions. Any activities that are allowed under the Waiver, such as timber harvesting, that could affect known landslides or unstable areas are considered “Category B” activities. Specific Waiver conditions for Category B activities require that the Federal Forestry Professional, Natural Resource Professional, or supervised designee must clearly indicate within NEPA documents and/or within the Waiver application the project modifications, design features, and/or mitigation measures to be implemented to avoid any adverse impact(s) to water quality.

USFS Guidance and USFS BMPs, which set out specific requirements to control landslides, must be implemented under the conditions of the Waiver. Such requirements include the Aquatic Conservation Strategy (ACS), which requires that forest land managers identify landslides, inner gorges, and other unstable areas within the designated riparian zones, and provides standards and guidelines to protect these areas. In general, the standards and guidelines in the ACS already prohibit or severely limit activities within portions of the landscape that are vulnerable to landsliding, unless those activities can be shown to contribute towards attainment of the objectives of the ACS. USFS BMP Manual Practice 1-6, “Protection of Unstable Lands”, provides special treatment of unstable areas to avoid triggering slope failure and resultant erosion and sedimentation.

Category B Waiver conditions require the USFS to conduct a multi-disciplinary review of proposed activity, including review by watershed specialists, to identify on-the-ground prescriptions needed to implement the USFS BMP Manual, and any additional necessary control measures for the proposed activity. The USFS must clearly indicate within NEPA documents project activities within or which could affect known landslides or unstable areas. The activity must be conducted in accordance with NEPA documents and/or within the Waiver application, including project modifications, design features, and/or mitigation measures to avoid any adverse impact(s) to water quality. The activity shall be monitored, pursuant to the Monitoring and Reporting requirements, to assure that project modifications, design features, and/or mitigation measures were implemented and effective in avoiding any adverse impact(s) to water quality. Should such monitoring indicate that unacceptable impacts occurred, corrective measures will be implemented as soon as feasible.

The Waiver requires implementation of protection measures contained in USFS Guidance and the USFS BMP Manual designed to reduce the risk of increased rates of landsliding. As such, the risk of USFS activities resulting in increased rates of landsliding is adequately mitigated through existing USFS requirements

and by conditions in the Waiver and, therefore, the appropriate finding is **less than significant with mitigation incorporation**.

- b) Forest service activities covered by the Waiver have the potential to cause ground disturbance that could result in soil erosion and loss of topsoil if adequate BMPs are not implemented. Such activities include road construction, reconstruction, decommissioning, and maintenance, restoration work, vegetation management, rehabilitation and other activities requiring use of heavy equipment in forest setting. The potential for soil erosion to occur due to these activities is widely recognized, and therefore, Waiver conditions, USFS Guidance, and the USFS BMP Manual include numerous measures intended to minimize soil erosion and loss of topsoil during these activities.

One of the primary functions of the Waiver is to regulate and control sediment discharge caused by soil erosion. As such, Waiver conditions require measures to prevent and minimize such discharge. Such measures include the following:

- USFS shall manage and maintain designated riparian zones to ensure retention of adequate vegetative cover that results in natural shade conditions within 300 feet slope distance on each side of fish-bearing streams, 150 feet slope distance on each side of perennial streams, and 100 feet slope distance on each side of ephemeral / intermittent streams, or the site potential tree height distance on each side of the stream, whichever is greatest (per NWFP ASC Strategy Objective No. 4).
- The USFS shall actively address legacy or pre-existing discharges and/or threats to water quality. Sediment delivery sites must be inventoried, prioritized, and scheduled for remediation. There is an expectation that each Forest will make reasonable progress towards completing inventories and remediating legacy nonpoint sites. Timely implementation is necessary for sediment TMDL compliance. The USFS shall make legacy site inventories available to Regional Board staff for review and allow inspection of sites as needed to assist in prioritization.
- All activities undertaken by the USFS or its contractors and permittees pursuant to this Waiver shall comply with the USFS Guidance and the USFS BMP Manual for water quality protection, and any specific conditions set forth in this Waiver. This includes following the Wet Weather Operation Standards as developed for each Forest, and minimizing erosion and riparian disturbance from roads, watercourse crossings, road decommissioning, or other activities that have the potential to discharge sediment.
- USFS shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ) for non-timber construction projects on USFS land that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
- Areas where soil has been disturbed by project activities, excluding grazing, within designated riparian zones must be stabilized prior to the beginning of the winter period, prior to sunset if the National Weather Service forecast is a

“chance” (30% or more) of rain within the next 24 hours, or at the conclusion of operations, whichever is sooner.

- The USFS shall report, within 10 days of discovery, to the Regional Board, areas within designated riparian zones that are disturbed by grazing that may result in a significant discharge, and any measures taken to prevent, minimize, or mitigate the potential to discharge.
- Where management activities and individual projects within designated riparian zones have resulted in burned areas, the USFS must prevent, minimize, and mitigate discharges to waters of the state by following the appropriate USFS BMPs and standard erosion control techniques.
- Where the proposed activity includes direct or indirect effects to water quality, the USFS shall conduct a cumulative watershed effects (CWE) analysis and include specific measures in the proposed activity needed to reduce the potential for CWEs in order to assure compliance with the Basin Plan. The scale and extent of CWE analyses will be commensurate with the scale and intensity of the projects seeking coverage under this waiver. CWEs analyses will follow guidance in the regional CWE policy, R-5 FSH 2509.22, Soil and Water Conservation Handbook, Amendment 1, and may range from qualitative reasoning to application and interpretation of quantitative models.
- The USFS shall implement the designated riparian zone program and prevent, minimize, and mitigate sediment discharges by following the appropriate BMPs and standard erosion control techniques for activities adjacent to streams and drainages, or other locations or situations where likelihood of discharge exists.
- Minimize new road construction in watersheds designated by USFS as “Key Watersheds” and in high risk watersheds.

The following USFS Guidance and the USFS BMPs are intended to prevent and minimize soil erosion and loss of topsoil:

- **The Northwest Forest Plan** provides standards and guidelines for maintaining a healthy forest ecosystem. Preventing and minimizing soil erosion from USFS activities is consistent with the goal of maintaining a healthy forest ecosystem. This is explicitly stated in specific objectives of the ACS, including the following:

Objective #5 - “Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.”

Objective #8 “Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.”

Components of the Northwest Forest Plan that contribute to prevention and minimization of soil erosion include Riparian Reserves, Key Watersheds, Watershed Analysis, Watershed Restoration, and Monitoring.

The USFS BMP Manual provides practices and procedures, which are the structure of the water quality management program for the USFS Southwest Region. Many of the BMPs are designed to minimize soil erosion from timber management, road and building site construction, mining, recreation, vegetation manipulation, fire suppression and fuels management, watershed management, and range management.

For example, BMP 2-7 "Control of Road Drainage" dictates that roads will be correctly drained to disperse water runoff to minimize soil erosion due concentrated water flow. Some methods and techniques for draining a road are: out slope the road prism, install water bars, or inslope the road to a ditch line and install culverts. It is during the onsite evaluation of a specific road project that the appropriate method or combination of methods to prevent or minimize soil erosion are identified. The methods are thereby custom fitted to the physical and biological environment of the project area.

The BMPs are presented under eight different resource categories in the handbook. For example, when a project includes tree removal within a developed campground for safety (hazard tree removal), or campground expansion, or insect infestation eradication purposes, even though BMP 1-11, "Suspended Log Yarding In Timber Harvest", and BMP 1-12, "Log Landing Location", reside in the Timber Management category of BMPs, they are also applicable to tree removal in the developed campground area, even where the tree removal does not fall into the formal definition of a timber sale. It is appropriate that yarded logs in the recreation area be suspended when necessary to preclude excessive soil disturbance, or to maintain the integrity of the streamside management zone. The same is true for the "Road And Building Site Construction" BMP whether the road is for timber harvesting, mining, recreation access, or some other purpose; the road and building site BMPs to prevent and minimize soil erosion are applicable.

- **The USFS Region 5 FSH 2509.22 Soil and Water Conservation Handbook chapter 20** provides direction for assessing cumulative watershed effects. The objective of the handbook is to present a process to develop site specific conservation practices for use on national Forest System lands to minimize effects of management activities on soil and water resources, and to protect beneficial uses of water. It describes the application, monitoring, evaluation, and adjustment of these conservation practices. The handbook also provides soil and water conservation practices which have been tested and have provided protection in specific situations, and that can be utilized or adapted in developing in developing site specific conservation practices. The handbook is a supplemental document to all Forest Plans.

In addition, the Waiver requires the USFS to follow its guidance for watershed assessment and planning to inventory, prioritize, and remediate existing sediment discharge sites, those sites that are not the result of any new activities.

Where individual projects are planned in a watershed without such an inventory, the Waiver requires that the USFS inventory and remediate such sites in the project area.

Therefore, any impacts to erosion or loss of topsoil in the project area are mitigated by the criteria and conditions contained in the Waiver, including compliance with USFS Guidance and the USFS BMP Manual, in addition to the USFS compliance with its own Management Direction, including the USFS Soil and Conservation Handbook. The appropriate finding is **less than significant with mitigation incorporation.**

- c) Forest Service activities covered by the Waiver could potentially result in creation of new unstable areas either on- or off-site due to physical changes in a hill slope affecting the mass balance, material strength, or hydrology of the slope. Such changes are typically the result one, or a combination of more than one, of the following types of activities:
- ground disturbance such as construction activity that removes material from portions of a slope or places fill material on steep slopes,
 - timber harvest or other vegetation management that removes trees that provide root strength or vegetative cover from a hill slope
 - road or building construction that changes runoff patterns.

As described above, both specific Waiver conditions and the Aquatic Conservation Strategy contained in the Northwest Forest Plan limits activities within portions of the landscape that are vulnerable to landsliding. The potential may exist that USFS activities could result in creation of new landslides or unstable areas either on- or off-site, where none existed previously. However, it is expected that any potential for new unstable areas to result from USFS activities covered under the Waiver would be prevented or minimized by specific conditions of the Waiver requiring implementation of mitigations from USFS Guidance and the USFS BMP Manual.

Prior to conducting any of the activities permitted under the Waiver, the Waiver requires that the USFS land managers conduct assessment and planning by multi-disciplinary teams to ensure that such projects do not result in impacts to water quality. When any of the Category B activities are proposed that could affect a designated riparian zone, wetland, or known unstable or landslide area, a Federal Forestry Professional, Natural Resource Professional, or supervised designee must clearly indicate within NEPA documents and/or within the Waiver application the project modifications, design features, and/or mitigation measures to be implemented to avoid any adverse impact(s) to water quality, including avoiding impacting existing unstable areas or creating new ones where previously none existed.

Forest Service Guidance and USFS BMP Manual provide mitigation measures and methodologies to ensure that slope stability is not adversely impacted. These include the Aquatic Conservation Strategy (ACS), which requires that forest land managers identify landslides, inner gorges, and other unstable areas within the designated riparian zones, and provides standards and guidelines to protect these areas. In general, the standards and guidelines in the ACS already

prohibit or severely limit activities within portions of the landscape that are vulnerable to landsliding, unless those activities can be shown to contribute towards attainment of the objectives of the ACS. USFS BMP Manual Practice 1-6, "Protection of Unstable Lands", provides special treatment of unstable areas to avoid triggering slope failure and resultant erosion and sedimentation.

The Waiver requires that covered USFS activities identify and implement sufficient site specific measures for all projects necessary to reduce potential impacts to slope stability. Qualified professionals of the Regional Board staff will evaluate each project to ensure that mitigation measures included are appropriate and adequate for site conditions. Therefore, any potential impacts will be identified and requirements set out in the USFS Guidance and USFS BMP Manual will be incorporated to mitigate potential impacts to less than significant. Therefore, the appropriate finding is **less than significant with mitigation incorporation**.

- d) Forest Service activities covered under the Waiver would not include projects such as building construction that are subject to the Uniform Building Code. Because the project does not involve this element, the appropriate finding is **no impact**.
- e) Forest Service activities covered under the waiver would not involve septic tanks or alternative wastewater disposal systems. Because the project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

- a) The Forest Service Strategic Framework for Responding to Climate Change (USFS 2008) addresses climate change resulting from anthropogenic greenhouse gas emissions through a framework that includes mitigation, policy, and sustainable operations to reduce the buildup of greenhouse gases.

Carbon is stored by vegetation through photosynthesis, and through decomposition in soil substrates. This storage on USFS lands can offset greenhouse gas emissions from fossil fuel combustion and other human activity. Management of forests and grasslands to enhance terrestrial carbon storage,

including planting trees, reforestation and avoiding forest conversion, are important components to mitigate effects of greenhouse gas emissions.

Effective mitigation requires balancing carbon sequestration with other ecosystem services. Activities that mitigate include increased carbon sequestration and forest management practices that result in reduced emissions from large-scale events, such as wildfires and insect epidemics. The key to sequestering carbon will be to recruit dominant vegetation components such as old growth stands and to manage woody biomass into solid wood product substitutes or incorporate carbon into the soil for slowed release and long term storage.

National Forests potential for carbon sequestration is presently limited, due to heavily stocked second growth stands of timber make forests more susceptible to wildfire, insects, and disease. Management activities can reduce the number of small trees, allowing the remaining trees to grow larger, improve ecosystem health, and reduce the risk of damaging wildfire.

The proposed project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, therefore, the appropriate finding is **no impact**.

- b. The California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32) is California's legislative effort aimed at reducing GHG emissions. Pursuant to AB 32, California Air Resources Board (CARB) must develop an implementation program and adopt control measures to achieve the maximum technologically feasible and cost effective GHG reductions. AB 32 requires the CARB to prepare a Scoping Plan to achieve reductions in GHG emissions in California. On June 26, 2008, CARB staff presented the initial draft of the AB 32 Scoping Plan for Board review. The AB 32 Scoping Plan contains the key strategies California will use to reduce the GHG emissions that are thought to cause climate change. With respect to forestry practice, the Scoping Plan provides:

The 2020 target for California's forest lands is to achieve a 5 MMTCO₂E reduction through sustainable management practices, including reducing the risk of catastrophic wildfire, and the avoidance or mitigation of land-use changes that reduce carbon storage. California's Board of Forestry and Fire Protection has the regulatory authority to implement the Forest Practice Act to provide for sustainable management practices and, at a minimum, to maintain current carbon sequestration levels. The federal government must do the same for lands under its jurisdiction in California. California forests are now a net carbon sink. The 2020 target would provide a mechanism to help ensure that this carbon stock is not diminished over time. The 5 MMTCO₂E emission reduction target is set equal to the current estimate of the net emission reduction from California forests. As technical data improve, the target can be recalibrated to reflect new information.

The proposed project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

a-b) Forest Service activities can involve the transport and use of materials that would qualify as hazardous pursuant to the California Health and Safety Code section 25501(o). These materials include gasoline and diesel to fuel equipment, hydraulic fluid associated with equipment operations and machinery, and herbicides. The presence and use of gasoline, diesel, and hydraulic fluid would be limited to the amounts needed to operate heavy equipment and will not be present in amounts to cause a significant hazard to the public or the environment. Forest Service Manual Chapter 2160, "Hazardous Materials Management" establishes the authority for management of hazardous materials on USFS lands and ensures the following:

- The USFS provides the appropriate level of training to its staff on the potential safety and health risks from hazardous materials in accordance with the employee's duties,
- The USFS incorporates pollution prevention in all aspects of hazardous materials management. Emphasize source reduction as the primary means of maintaining compliance with applicable Federal, State, and local environmental regulations,
- The USFS ensures proper handling, storage, transportation, and disposal of hazardous materials in all activities. Prior to disposal of any material, consider reuse and recycling of that material,
- Consider need, employee risk of exposure, effectiveness, environmental impacts, economic efficiency, and availability of less hazardous alternatives when deciding whether and which hazardous materials to use,
- Ensure appropriate and timely response to releases or threats of releases of hazardous materials.

The BMP Manual, which the Forest Service is required to implement as a condition of the Waiver, includes BMPs for "Servicing and Refueling of Equipment" (Practice 2-12) designed to prevent pollutants such as fuels, lubricants, and bitumen and other harmful material from being discharged into or near rivers, streams and impoundments, or into natural or man-made channels. Practice 2-12 specifies that if the volume of fuel exceeds 1,320 gallons, project Spill Prevention, Containment and Counter Measures (SPCC) plans are required. Waste materials, such as contaminated soil, must be disposed of properly, service and refueling areas must be located well away from wet areas and surface waters, and by using berms around such sites and utilizing impermeable liners or other techniques to contain spills. Operators are required to remove service residues, waste oil and other material from USFS land. They must also be prepared to take responsive actions in case of a hazardous substance spill, according to the Forest SPCC plan.

In addition, the USFS BMP Manual Practice 7-4, "Forest Hazardous Substance Spill Prevention, Control, and Countermeasure (SPCC) Plan" is a preventative and corrective practice. The Forest SPCC Plan is a document to guide the emergency response to spills, or discovery of hazardous materials within a Forest. The SPCC Plan provides a process to coordinate the various local, state,

and Federal agencies into a unified force that can effectively react to releases of hazardous materials within a Forest boundary. Forest Service staff must coordinate the cleanup of hazardous material spills with the proper State and local agencies, the Environmental Protection Agency (EPA), and appropriate law enforcement organizations.

Forest Service activities must comply with Occupational Safety and Health Administration and Office of Emergency Services regulations on hazardous materials. Asbestos-containing aggregate may be used as road surface materials if asbestos levels fall within the standards established by the State of California. Where existing roads and trails travel through asbestos-bearing formations or where roads are surfaced with asbestos-bearing aggregate, potential mitigation measures, such as road or trail relocation, closure, paving and watering, shall be considered to maintain public safety.

The Waiver does not authorize discharges from the application of herbicides or pesticides, but does require that the USFS notify the Regional Board in writing at least 90 days prior to the proposed application of pesticides within a designated riparian zone. The notification must include the type of pesticide, method and area of application, projected date of application, and measures that will be employed to assure compliance with applicable water quality control plans. Subsequent changes to the proposal must be received by the Regional Board in writing forthwith, and in no event less than fourteen (14) days before the application, unless Regional Board staff agrees in writing to a lesser notice.

Projects covered under the Waiver must comply with existing State and Federal regulations regarding hazardous materials that currently apply. Additionally, Waiver General Condition #8 states that, "The USFS shall not cause a pollution, contamination, or nuisance as defined by CWC section 13050" Therefore, the appropriate finding is **less than significant impact with mitigation incorporation**.

- c) The proposed project would not result in the emission or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, the appropriate finding is **no impact**.
- d) The proposed project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the appropriate finding is **no impact**.
- e-f) The proposed project would not result in a change over current conditions related to activities near an airport or airstrip that would result in a safety hazard. Therefore, the appropriate finding is **no impact**.
- g) The proposed project would not interfere with an emergency evacuation or response plan; therefore, the appropriate finding is **no impact**.
- h) The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?. The appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?		X		

a, c, d, e, and f) The Waiver covers nonpoint source activities on USFS land described below that have the potential to impact waters of the state. Most of the potential impacts are associated with erosion and sediment delivery and/or changes to riparian systems that may reduce shade and affect water temperatures. In addition, restoration activities and BMPs intended to result in long term reduction in sediment discharge have the potential to cause short term impacts due to ground and stream channel disturbance. Those activities and their potential impacts to water quality are described below:

- Timber harvesting activities on USFS lands and the associated road network have the potential to generate sediment from equipment use and from erosion of bare ground on roads, landings, and skid trails, and to reduce shade canopy from tree removal due to logging, road construction, and equipment operations.
- Road maintenance, construction, and decommissioning activities pose a potential to impact water quality through erosional processes, mass wasting, and canopy removal. The USFS road network is extensive, serving the multiple uses associated with public forest lands (e.g., timber harvest, recreation, mining, grazing)
- Grazing has the potential to create sediment impacts in riparian areas through increased sediment load, increased instream trampling and compaction, increased disturbance and erosion from overgrazed streambanks, reduced sediment trapping by riparian and instream vegetation, and decreased bank stability. Improper grazing can lead to removal of shade by browsing livestock. In addition, nutrients and pathogens can be discharged from animal waste products.
- Recreational activities span a wide variety, the most likely to produce water quality impacts being erosion and sedimentation associated with trails, roads, and camping sites.
- Vegetation manipulation beyond timber harvesting primarily is associated with fuel management to reduce the likelihood and severity of wildfire, forest rehabilitation activities (selection cuts and thinning addressed as timber harvest), and riparian area rehabilitation to improve diversity and promote conifer species. These activities can generate sediment and alter natural shade conditions.

- Restoration activities are generally associated with road decommissioning (addressed above), remediation of existing and potential sediment discharge sites, instream habitat improvements, and forest rehabilitation.
- Fire Suppression activities may generate sediment and impact riparian areas during the fire fighting process with road building, fire line construction, and back-burning. Immediate remediation of potential discharge sites is included in that process as a post-fire activity under the Burned Area Emergency Response program. Fire fighting and the BAER are conducted under specific plans and procedures in each Forest's management plans. Projects are developed on a post-emergency basis to address erosion control, reforestation, and riparian improvements.

Impacts associated with the activities described above will be mitigated through conditions of the Waiver requiring implementation of USFS Guidance and the USFS BMP Manual. The Waiver conditions are intended to ensure that USFS activities result in less than significant impacts to hydrology and water quality, including to drainage patterns, excessive and/or polluted runoff, on- or off-site erosion or flooding. The Waiver explicitly excludes coverage of any activities that would result in violation of water quality standards.

The potential exists for implementation of BMPs to result in some short term impacts to water quality. Such impacts are most likely to occur as a result of exposing soil during in-, or near-stream, restoration projects, road construction, reconstruction, decommissioning, or maintenance, or non-emergency restoration and rehabilitation of burned areas. Areas with soil exposed during these activities may be vulnerable to surface erosion for some period of time until vegetation is reestablished, and may discharge sediment to streams. The USFS Guidance and BMP Manual contain erosion control measures to be implemented in these cases. In-stream restoration projects typically cause some alteration of the channel, which may cause a short term impact to water quality. While some short term impacts cannot be avoided, they are considered to be outweighed by the long term benefit to watershed resources derived from restoration activities. The Regional Board considers the USFS Guidance and the requirements set forth in the USFS BMP Manual to be adequate to address water quality protections needed in a watershed.

The USFS BMP Manual provides water quality protection measures for the USFS activities covered under the Waiver. The objectives of the BMP Manual are:

- To consolidate direction applicable to BMP application on USFS lands in California for the protection of beneficial uses of water from nonpoint source pollution,
- To establish a uniform process of BMP implementation that will meet the intent of Federal and State water quality regulations,
- To incorporate water quality protection and improvement considerations that will result in clean water into the site-specific project planning process.

The main mechanism protecting aquatic resources within the Northwest Forest Plan is the establishment of the Aquatic Conservation Strategy (ACS) and its 9

objectives (described above). The four key components of the ACS include 1) Riparian Reserves, 2) Key Watersheds, 3) Watershed Analysis, and 4) Watershed Restoration. The Sierra Nevada Forest Plan, which applies to a small portion of the Modoc National Forest within the North Coast Region, also contains a corollary “Aquatic Management Strategy” (AMS) and “Riparian Conservation Areas.” The term “designated riparian zones” used below includes both of those riparian areas: Riparian Reserves and Riparian Conservation Areas.

Designated riparian zones are a key component of the ACS and AMS, and comprise lands along streams and unstable and potentially unstable areas where special standards and guidelines direct land use. Designated riparian zones apply to all ephemeral, intermittent, and perennial streams and geologically unstable areas. These areas maintain hydrologic, geomorphic and ecological processes process that directly affect streams and fish habitats. Widths of the zones can range from a minimum of 100 feet on each side of ephemeral and/or intermittent streams to over 300 feet on each side of perennial fish bearing streams. Only activities that protect or enhance ACS and AMS objectives are permissible within with a designated riparian zone.

Designated riparian zones serve to protect aquatic resources and water quality from timber harvesting activities, road building, and other nonpoint source activities such as grazing, by maintaining a diverse riparian community that provides resiliency to the system, a buffer area from upslope activities, canopy for shade and aquatic nutrition, and maintaining the function of the riparian areas to filter and meter sediment coming from hillsides and down a water course.

In addition to the USFS BMP Manual and the Northwest Forest Plan, the USFS is required by other Management Direction to protect water quality. These include:

- Soil and Water Conservation Handbook, which provides direction for assessing cumulative watershed effects.
- Regional Soils standards, which provide direction for protecting soil productivity, particularly as it applies to ground disturbance relative to soil compaction and erosion.
- USFS Chapter 2020 (USDA 2008), which provides a policy for using ecological restoration in the management of National Forest lands.
- Provincial Wet Weather Operation Standards

The Waiver also contains additional requirements that will protect hydrology and water quality. It requires compliance with the Basin Plan, and prohibits the creation of pollution, contamination, or nuisance, as defined by the California Water Code section 13050. The following Waiver conditions ensure compliance with the Basin Plan and that activities that proceed under the Waiver must not violate water quality objectives and waste discharge prohibitions, and beneficial uses of water must be protected:

- Activities conducted under the Waiver must be in compliance with the Basin Plan and amendments thereto.
- The USFS shall not cause a pollution, contamination, or nuisance as defined by Water Code section 13050.
- USFS shall manage and maintain designated riparian zones to ensure retention of adequate vegetative cover that results in natural shade conditions within 300 feet slope distance on each side of fish-bearing streams, 150 feet slope distance on each side of perennial streams, and 100 feet slope distance on each side of ephemeral / intermittent streams, or the site potential tree height distance on each side of the stream, whichever is greatest (per NWFP ASC Strategy Objective No. 4).
- The USFS shall actively address legacy or pre-existing discharges and/or threats to water quality. Sediment delivery sites must be inventoried, prioritized, and scheduled for remediation. There is an expectation that each Forest will make reasonable progress towards completing inventories and remediating legacy nonpoint sites. Timely implementation is necessary for sediment TMDL compliance. The USFS shall make legacy site inventories available to Regional Board staff for review and allow inspection of sites as needed to assist in prioritization.
- All activities undertaken by the USFS or its contractors or permittees pursuant to this Waiver shall comply with the USFS Guidance and the USFS BMP Manual for water quality protection, and any specific conditions set forth in this Waiver. This includes following the Wet Weather Operation Standards as developed for each Forest, and minimizing erosion and riparian disturbance from roads, watercourse crossings, road decommissioning, or other activities that have the potential to discharge sediment.
- USFS shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ) for non-timber construction projects on USFS land that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
- Areas where soil has been disturbed by project activities, excluding grazing, within designated riparian zones must be stabilized prior to the beginning of the winter period, prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours, or at the conclusion of operations, whichever is sooner.
- The USFS shall report, within 10 days of discovery, to the Regional Board, areas within designated riparian zones that are disturbed by grazing that may result in a significant discharge, and any measures taken to prevent, minimize, or mitigate the potential to discharge.
- Where management activities and individual projects within designated riparian zones have resulted in burned areas, the USFS must prevent,

minimize, and mitigate discharges to waters of the state by following the appropriate USFS BMPs and standard erosion control techniques.

- Where the proposed activity includes direct or indirect effects to water quality, the USFS shall conduct a cumulative watershed effects (CWE) analysis and include specific measures in the proposed activity needed to reduce the potential for CWEs in order to assure compliance with the Basin Plan. The scale and extent of CWE analyses will be commensurate with the scale and intensity of the projects seeking coverage under this waiver. CWEs analyses will follow guidance in the regional CWE policy, R-5 FSH 2509.22, Soil and Water Conservation Handbook, Amendment 1, and may range from qualitative reasoning to application and interpretation of quantitative models.
- The USFS shall implement the designated riparian zone programs and prevent, minimize, and mitigate sediment discharges by following the appropriate BMPs and standard erosion control techniques for activities adjacent to streams and drainages, or other locations or situations where likelihood of discharge exists.
- USFS activities must minimize new road construction in watersheds designated by USFS as “Key Watersheds” and in high risk watersheds.

In addition to the conditions listed above that will ensure protection of water quality, the Waiver includes a Monitoring and Reporting Program to provide a feedback mechanism to ensure that mitigation measures are implemented properly and function as intended. The following are key components of the Monitoring and Reporting Program:

The current USFS Best Management Practices Evaluation Program (BMPEP) (USDA Forest Service 2001) satisfies some Waiver monitoring elements, however the Waiver requires additional monitoring, including focused administrative effectiveness monitoring for moderate risk activities, road patrols after major storms, and in-channel long-term monitoring. For watersheds in which the in-channel long-term monitoring is not conducted, Category B projects will trigger in-channel monitoring at the lowest end of the watershed, non-random BMP effectiveness monitoring for the project, and retrospective monitoring of a subsample of BMPs five years post-implementation.

The Klamath National Forest sediment and water temperature monitoring plan, *Klamath National Forest Sediment and Temperature Monitoring Plan and Quality Assurance Plan*, will be used to address the monitoring needs for this Waiver, as appropriate, and TMDLs for the portions of the Klamath National Forest in the Scott, Shasta, Salmon, and Klamath watersheds.

The mitigations required by the Waiver conditions and accompanying Monitoring and Reporting Program are considered to be adequate to avoid adverse impacts to water quality. In addition, the Regional Board will evaluate each project to determine whether mitigations are sufficient prior to enrolling it in the Waiver. The Regional Board or its Executive Officer may deny or terminate Waiver coverage at any time if it is determined that a project may result in impacts to water quality. The Regional Board or its Executive Officer may also take enforcement actions in

accordance with the California Water Code to ensure actions are taken to prevent or correct water quality impacts. Therefore, the appropriate finding is **less than significant with mitigation incorporation.**

- b) The Waiver does not authorize activities that could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The appropriate finding is **less than significant impact.**
- g, h) Forest Service activities covered under the Waiver do not authorize placing housing or structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Because the project does not involve this element, the appropriate finding is **no impact.**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

- a) Activities covered under the Waiver would not divide an established community. Any land use planning associated with the Waiver is not urban, but rather intended for management and utilization of National Forest lands. Because the project does not involve these elements, the appropriate finding is **no impact.**
- b) Activities covered under the Waiver must comply with all applicable local, state and federal regulations, which include land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance). Because of the fact that all of the activities covered under this Waiver will occur on Forest Service land, they will be designed and implemented according to USFS Guidance and USFS BMP Manual, which are Federal land use plans

specifically intended for the purpose of avoiding or mitigating environmental effects. There will not, therefore, be any conflict and there is **no impact**.

- c) The adoption and implementation of the Waiver will not conflict with any applicable conservation plan that may apply to USFS activities. In fact, the Northwest Forest Plan, one of the primary guidance documents that regulates design and implementation of USFS activities covered under the Waiver, is intended for the management of habitat for late-successional and old growth forest related species within the range of the Northern Spotted Owl. Because the USFS Guidance and the USFS BMP Manual are intended to protect the environment from potential impacts from USFS land management activities, there is less potential for any conflict between the activities that may occur under the Waiver and any habitat or natural community conservation plans. The appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

- a-b) The waiver does not authorize mining activities or other activities that could affect mineral resources. Therefore, USFS activities covered under the Waiver will not result in loss of availability of mineral resources; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
of excessive groundborne vibration or groundborne noise levels?				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

a-f) Implementation of some USFS activities may result in localized increased noise levels. Such increased noise levels would likely be associated with heavy equipment operation associated with construction or restoration activities. These impacts would be temporary, associated with the use of heavy equipment and would, therefore, not considered to be a significant impact. The proposed project does not change the exposure of people to potential adverse effects involving noise due to vegetation management and other USFS activities over current conditions. Noise levels due to USFS activities will remain the same whether or not the Waiver is adopted and implemented. Activities covered under the Waiver do not impact noise levels. Because no change is foreseeable, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

a-c) The proposed project does not involve construction of new homes, businesses, or infrastructure. Any new road construction would not be for the purpose of urban or residential development, but would be intended to facilitate USFS activities such as timber harvest and other vegetation management, watershed management and restoration, recreation, mining, fire suppression and fuels management, and range management. The project would also not displace people or existing housing. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X

Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

- a) The proposed project does not involve new or physically altered government facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

- a) Forest Service activities covered under the Waiver would not be conducted in the vicinity of, and therefore would not affect, neighborhood or regional parks. However, recreation is one of the primary functions of the USFS lands, and activities covered under the Waiver may include projects to maintain and develop facilities such as dispersed campgrounds, trails for motorized or non-motorized vehicles, and similar low impact recreational activities. Projects covered under the Waiver would not increase the use of such facilities, but would be designed to facilitate recreation and thus serve to prevent deterioration through maintenance. The appropriate finding is, therefore, **less than significant impact**.
- b) Recreation on USFS lands occurs in developed sites, as well as dispersed areas such as trails, on rivers or lakes, and in wilderness and general forest areas. The Waiver covers dispersed camping, developed recreation sites, non-motorized vehicle trails, fence building, and similar low impact dispersed activities. Water quality impacts most likely to be produced from recreational activities are erosion and sedimentation associated with trails, roads, and camping sites. The Section 12.42 of the USFS BMP manual, "Recreation Best Management Practices," provides a suite of BMPs for recreation practices to protect water quality. In addition, a standard of the Northwest Forest Plan is to manage recreation areas to minimize disturbance to species.

Projects covered under the Waiver may include minor construction or expansion of recreational facilities. However, the Waiver would only cover those projects for which impacts may be reduced to less than significant. Larger construction or expansion projects, such as the development of a new campground, would likely require individual Waste Discharge Requirements, and possibly a 401 Water Quality Certification. Impacts from minor construction or expansion of recreational facilities that may be covered under the Waiver will be mitigated by implementation of USFS Guidance and the USFS BMP Manual.

Because the proposed project does not involve increasing the use of recreational facilities, and may allow minor construction or expansion of recreational facilities which would be conducted pursuant to USFS Guidance and the USFS BMP Manual, the appropriate finding is **less than significant impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

- a-b) Forest Service activities covered under the Waiver would entail ongoing vehicle traffic on USFS roads as well as other public roads accessing USFS lands. Forest Service activities, such as road construction, reconstruction, decommissioning, or maintenance, have the potential to cause some short term increase or disruption of traffic patterns. Proposed changes to the forest transportation system may be subject to NEPA and other environmental laws. Forest Service Manual 7700, "Travel Management," requires that the USFS review existing travel or roads analysis and conduct any necessary travel analysis before conducting environmental analysis of a proposal to change current travel management direction and must avoid duplication by incorporating relevant information from travel analysis into site-specific environmental analysis, documentation, and decision-making. Travel analysis provides a bridge between the strategic guidance in land management plans and travel management decisions made at the project level. Travel management decisions are made at the project level and must be consistent with the applicable land management plan.

Direction for transportation planning is found in Forest Service Handbook (FSH) 7709.55, Transportation Analysis and Forest Service Manual (FSM) 7710, Transportation Planning Handbook. Transportation analysis 1) identifies and evaluates alternative transportation systems and routes, 2) identifies short- and long-term need and purpose for each road, and 3) documents decisions relating to road location, design, operation, and maintenance standards for each road in a RMO.

Forest Service activities coordinate road management objectives with private landowners within each Forest. Road closures may be used to meet wildlife needs, water quality and soils protection objectives, fire protection, other resource needs, to reduce road damage and maintenance costs and to reduce or eliminate conflicts between user groups. Because traffic levels related to USFS activities will be addressed through pre-existing standard USFS transportation planning, the appropriate finding is **less than significant**.

- c) The proposed project does not involve air traffic. Because the proposed project does not involve this element, the appropriate finding is **no impact**.
- d) The proposed project does not involve installation of hazardous design features. Because the proposed project does not involve this element, the appropriate finding is **no impact**.
- e-f) The proposed project does not affect emergency access or parking capacity; therefore, the appropriate finding is **no impact**.
- g) The proposed project does not involve alternative transportation. Because the proposed project does not involve this element, the appropriate finding is **no impact**.
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

a-c) The proposed project does not involve the expansion or construction of wastewater or storm water treatment facilities. Such projects would not be eligible for coverage under the Waiver, and would have to be regulated by either a Waste Discharge Requirement or NPDES permit. Because the proposed project does not involve expansion or construction of wastewater or storm water treatment facilities, the appropriate finding is **no impact**.

d) The proposed project does not authorize the development of new water supplies or change the need for existing water supplies. Water supplies may be used to serve vegetation removal or construction activities (e.g., for dust abatement) in

the project area. Such use will be short term in duration and relatively minor in scope. Water supplies would come from existing developed sources with existing water rights on USFS lands. If short-term water drafting from streams in the vicinity of the project area is required for a project, the USFS would be required to comply with all applicable current regulations. Because no change is foreseeable, the appropriate finding is **less than significant impact**.

- e) Forest Service activities covered under the Waiver would not require service by wastewater treatment facilities. Because the proposed project does not involve this element, the appropriate finding is **no impact**.
- f) The proposed project would not affect solid waste generation or landfill capacities over current conditions. Because no change is foreseeable, the appropriate finding is **no impact**.
- g) The proposed project will not involve solid waste and is not subject to federal, state, and local statutes and regulations related to solid waste, therefore the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

- a) Some USFS activities that would be covered under the Waiver have the potential to result in some short-term impacts on the environment. However, activities

covered under the Waiver are planned and implemented in accordance with USFS Guidance and the USFS BMP Manual with the long term goal of reducing impacts to the environment and restoring forest ecosystems. Short-term impacts may result from inadvertent sediment discharges caused by natural adjustments following treatment of existing controllable sediment discharge sources. Such treatment frequently involves significant ground disturbance and reconstruction of roads and other USFS infrastructure within riparian zones. Erosion control measures for ground disturbance are implemented per the USFS BMP Manual. Many legacy or pre-existing discharge sites were constructed using outdated methods that did not consider long term stability or the potential for impacts to streams. Many such sites were roads segments constructed directly in, or adjacent to streams. Reconstruction or removal of these legacy or pre-existing discharge sites with the potential to fail and discharge sediment is a well established method to reduce long term watershed impacts. It is widely recognized that the long term benefits to watershed resources of removing sediment sources outweighs the potential for small short term sediment discharges that may result from reconstruction.

The Waiver includes two Categories of projects – those in Category A, which are considered “low risk” activities and those in Category B, which are considered “moderate risk” activities. General and specific conditions are identified for the approved activities. For Category A activities, no additional application or special conditions are required. For Category B activities there is a comprehensive application process to identify potential impacts of activities, and additional conditions to be applied, in addition to requiring application of the appropriate USFS Guidance and the USFS BMP Manual. The USFS BMP Manual and the USFS Guidance provide a suite of measures that would provide sufficient protection to the environment if implemented. The Waiver will only apply to those activities for which impacts to water quality can be reduced to less than significant with the application of the USFS Guidance and the USFS BMP Manual.

The Waiver does not, therefore, have the potential to degrade the quality of the environment, reduce the habitat of fish or wildlife species or cause their population to drop below self-sustaining levels, threat to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history. The appropriate finding is **less than significant impact**.

The impacts associated with the activities permitted under the Waiver will not be individually limited, but cumulatively considerable. The Waiver requires that where the proposed activity includes direct or indirect effects to water quality, the USFS must conduct a cumulative watershed effects (CWE) analysis and include specific measures in the proposed individual project needed to reduce the potential for CWEs in order to assure compliance with the Basin Plan. The scale and intensity of cumulative watershed effects (CWE) analyses will be commensurate with the scale and intensity of the Projects seeking coverage under the Waiver. Cumulative watershed effects analyses will follow guidance in the regional CWE policy, R-5 FSH 2509.22, Soil and Water Conservation Handbook, Amendment 1, and may range from qualitative reasoning to

application and interpretation of quantitative models. The majority of mitigations included in USFS Guidance and the BMP Manual and required as conditions of the Waiver are designed to reduce impacts from ongoing activities to less than significant. In addition, the Waiver restoration activities such as inventory, prioritization, and remediation of pre-existing sediment discharge sites and prioritization of watersheds, are likely to result in net improvements to water quality on forest lands in which they are applied.

The Regional Board determines that USFS activities conducted in compliance with the Waiver will not adversely individually or cumulatively affect the quality or the beneficial uses of the waters of the State. The environmental protection afforded by the adoption of the Waiver, including the implementation of the USFS Guidance and the USFS BMP Manual, will provide sufficient controls on any potential impacts. Therefore, the appropriate finding is **less than significant impact**.

- c) The USFS land management activities allowed under the Waiver will not have effects that will cause substantial adverse effects on human beings, directly or indirectly. Forest Service activities covered under the Waiver will take place exclusively on National Forest lands, which are typically removed from large population centers. Forest Service personnel and small numbers of private individuals live and work in areas affected by USFS activities. Many of the people and communities in proximity to affected areas are likely to be involved in USFS activities and therefore derive an economic benefit from them, either directly or indirectly. Covered activities are ongoing and will not be substantially changed by approval and implementation of the Waiver. Implementation of these activities has previously included the implementation of the USFS Guidance and the USFS BMP Manual. Because the activities under the Waiver are ongoing, they are typically important components of local economies. The additional layer of environmental protection provided by the Waiver is expected to ensure that adverse impacts to the water resources of local communities from USFS activities do not occur.

The Regional Board determines that the project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Therefore, the appropriate finding is **less than significant**.

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