

Regional Water Quality Control Board  
North Coast Region

Executive Officer's Summary Report  
Thursday, August 14, 2014  
Regional Water Board Office  
Santa Rosa, California

- ITEM: 4
- SUBJECT: Public Hearing to consider adoption of Order No. R1-2014-0036, Waste Discharge Requirements and Mitigated Negative Declaration (SCH No. 2014052073) for Discharges Related to Timber Harvesting and Associated Land Management Activities Conducted by Humboldt Redwood Company, LLC, In the Jordan Creek Watershed, a Tributary to the Lower Eel River, Humboldt County (Maggie Robinson)
- BOARD ACTION: The Regional Water Quality Control Board (Regional Water Board) will consider adoption of watershed-wide Waste Discharge Requirements (WDR) and Mitigated Negative Declaration for Order No. R1-2014-0036.
- BACKGROUND: Intense ground disturbance from timber harvesting, particularly during the late 1940s through the early 1970s when logging was unregulated, and continuing into the late 1990s under the Forest Practice Rules, resulted in extremely high rates of sediment discharge in the Jordan Creek watershed from roads and landslides. Many of the mainstem stream segments in Jordan Creek have been repeatedly buried by sediment from debris torrents during periodic large storm events, the most recent being the New Year's Eve 1996/1997 storm.
- In December 1997, the California Department of Forestry and Fire Protection (CAL FIRE), the California Department of Fish and Wildlife (DFW), California Geologic Survey (CGS), and the Regional Water Quality Control Board determined, based on field observations and aerial photograph data, that Jordan Creek was one of five watersheds significantly cumulatively impacted by sediment discharges after the 1996/1997 storms. The other watersheds were: Stitz and Bear Creeks, which are also tributary to the Eel River near Jordan Creek, and Freshwater Creek and Elk River, which are tributary to Humboldt Bay approximately 25 miles to the north. This determination resulted in a significant curtailment of timber harvesting in these watersheds.
- On February 27, 2008, the Regional Water Board Executive Officer requested that the then landowner, Pacific Lumber Company (PALCO), submit a Report of Waste Discharge (ROWD) describing a management plan to address cumulative watershed effects and

timber harvesting in Jordan Creek watershed. PALCO owned 98% or 3,011 acres of the Jordan Creek watershed.

In October 2008, Humboldt Redwood Company (HRC) purchased PALCO's timberlands throughout Humboldt County, including its entire ownership in the Jordan Creek watershed. The request for a ROWD applies to HRC as the new landowner.

On September 13, 2013, pursuant to Water Code section 13260(a), HRC submitted a ROWD for timber harvesting and related management activities on lands in the Jordan Creek watershed. The ROWD included HRC's proposed long-term strategy for preventing and minimizing water quality impacts from management activities and addressing cumulative watershed effects.

On October 29, 2013, the Regional Water Board staff determined that the ROWD was incomplete due to the lack of a restoration plan. Regional Water Board staff recognizes that channel conditions in the watershed have improved since 1997, however, excess sediment still persists in many channels segments, and riparian vegetation does not provide the necessary shade or large wood recruitment potential of properly functioning ecosystems. Rather than relying on the WDR to require watershed restoration, HRC is working cooperatively with the Regional Water Board, Eel River Watershed Improvement Group, California State Parks, and other interested stakeholders to promote the same results. HRC has made reasonable progress in development of a stream and riparian restoration plan that includes enhancement of large wood in Jordan Creek and planting conifers in the riparian zone to promote future large wood recruitment, thereby completing the ROWD process. The benefit of this restoration planning approach is that projects remain eligible for both grant funding as well as the expedited permitting process available through DFW Fisheries Restoration Grant Program. The Regional Water Board is currently working with DFW and other governmental and non-governmental agencies to find ways to streamline the permitting process and expedite approval for restoration projects in the Jordan Creek watershed.

#### **Mitigated Negative Declaration and Public Comment**

On May 23, 2014, the Regional Water Board started a 30-day public comment period and issued a public notice of intent to adopt a Mitigated Negative Declaration (MND) along with the draft Jordan Creek WDR. The Initial Study and MND (Attachment 5), and draft WDR were submitted to the State Clearinghouse for circulation to Responsible Agencies and Interested Parties. In addition, a public notice was widely distributed to interested parties by email and a copy posted on the Regional Water Board's web page. The Regional

Water Board received no comments on the draft MND and WDR during the public comment period.

**DISCUSSION:**

The proposed WDRs establish enforceable general and specific requirements to implement HRC's management plan. The main elements include:

- Limits on harvesting intensity and extent of timber harvesting;
- Improved methods for road use, construction, reconstruction, decommissioning, repair, and maintenance;
- Inventory and treatment of controllable sediment discharge sources from roads, skid trails, landslides, and other sources related to timberland management;
- Retention and protection of riparian vegetation to preserve and restore shade, prevent increases in solar radiation, and meet the temperature objective;
- Annual workplans describing HRC's planned activities for each upcoming year, and an annual summary report of activities conducted during the previous year; and
- A Monitoring and Reporting Program to: inspect roads, landslides, and erosion sites; conduct water quality trend monitoring for channel morphology, particle sizes, large woody debris, temperature, and riparian canopy; report annually on the above monitoring, and timber harvest and related activities; and every five years prepare a retrospective summary and evaluation report.

Timber harvest plans would be covered under the WDR upon approval by CAL FIRE. Regional Water Board staff will continue to review, inspect, and comment on individual timber harvest plans as part of the CAL FIRE review team process. WDR compliance will be evaluated on a watershed scale through the review of annual workplans and progress reports required by the Monitoring Reporting Program, and regular audits and inspections of HRC's implementation of the WDR.

**SIGNIFICANT CHANGES:**

Under WDR Section II General Requirements, T. Emergency Maintenance, the timeline for notifying Regional Water Board staff of an imminent threat was changed from 14 calendar days to 48 hours. Otherwise, no significant changes were made to the draft WDR. Minor editorial corrections were made to the proposed Order.

**SUPPORTING DOCUMENTS:**

1. Proposed Order No. R1-2014-0036
2. Attachment 1, Monitoring and Reporting Plan for Proposed Order No. R1-2014-0036, with area map.

3. Notice of Public Hearing
4. Initial Study and Mitigated Negative Declaration

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