
North Coast Regional Water Quality Control Board

August 1, 2012

NOTICE OF INTENT TO RELY UPON AN ENVIRONMENTAL IMPACT STATEMENT AND A MITIGATED NEGATIVE DECLARATION FOR THE GREEN DIAMOND RESOURCE COMPANY FOREST MANAGEMENT WASTE DISCHARGE REQUIREMENTS

In considering the proposed Forest Management Waste Discharge Requirements (the “Project”) for Green Diamond Resource Company (Green Diamond) under the California Environmental Quality Act (CEQA), the North Coast Regional Water Quality Control Board (Regional Water Board) intends to rely in part upon the Environmental Impact Statement (EIS) issued by the U.S. Fish & Wildlife Service and National Marine Fisheries Service for the Authorization of Incidental Take and Implementation of a Multiple Species Aquatic Habitat Conservation Plan and Candidate Conservation Agreement with Assurances (AHCP). Where, as here, a project requires compliance with both CEQA and the National Environmental Policy Act (NEPA), and the federal EIS is prepared first and meets the requirements of CEQA, CEQA provides that the state agency should use the EIS rather than preparing a separate EIR or negative declaration, pursuant to California Code of Regulations, title 14, section 15221. In addition, potential environmental effects associated with the project were analyzed under CEQA in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the California Department of Fish and Game for a Master Agreement for Timber Operations (MATO) and a Road Management Waste Discharge Requirements (RMWDRs). Consistent with the authority of CEQA, the Regional Water Board will also review and consider the IS/MND as responsible agency prior to taking action on the proposed Project. (Cal. Code Regs., tit. 14, § 15162. The Regional Water Board is not a party to or otherwise bound by any agreements and assurances Green Diamond may have with other state and federal agencies; however, the Project is substantially related to the activities authorized under the AHCP and MATO. The EIS and MND included the elements necessary to meet the requirements under CEQA for analysis and mitigation of the Project’s potential environmental impacts.

NEPA does not require a discussion of mitigation and growth-inducing effects caused by the Project, and those subjects are addressed here. As the entire project involves implementation of the AHCP’s conservation strategy, it is a mitigation project, and mitigation of potential impacts described in the EIS will be discussed in the findings for this Project. The EIS does not identify any impacts without identifying mitigation measures to reduce those impacts to less-than-significant levels. Further, as explained in the IS/MND at 57, activities to be conducted pursuant to the Project involve the growing and harvesting of timber, which would not facilitate population growth or remove an obstacle to growth. Thus, there are no potential growth-inducing impacts. The EIS was circulated for public review in substantial conformance with the requirements of California Code of Regulations, title 14, section 15087. Therefore, the Regional Water Board is providing this notice of intent to rely on the EIS to satisfy environmental review obligations under CEQA in accordance with California Code of Regulations, title 14, section 15225.

PROJECT NAME

Waste Discharge Requirements for Discharges Related to Forest Management Activities Conducted Pursuant to the Green Diamond Resource Company Aquatic Habitat Conservation Plan in the North Coast Region

PROJECT DESCRIPTION

The Project will provide programmatic, ownership-specific waste discharge requirements coverage for Green Diamond's forest management activities not already covered by Regional Water Board Order No. R1-2010-0044, *Waste Discharge Requirements for Discharges Related to Road Management and Maintenance Activities Conducted Pursuant to the Green Diamond Resource Company Aquatic Habitat Conservation Plan in the North Coast Region*. Covered activities under these WDRs include road construction, road reconstruction, timber-product harvest and transport, silviculture and timber stand regeneration and improvement, minor forest-product harvest, and instream and riparian restoration.

PROJECT LOCATION

The Project area includes all commercial timberland acreage on the west slopes of the Klamath Mountains and the Coast Range of California in Del Norte and Humboldt counties where Green Diamond owns lands or harvesting rights that are covered by the AHCP. This area is currently 384,400 acres, and is subject to adjustment as Green Diamond buys and sells property.

COPIES OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ARE AVAILABLE AT THE FOLLOWING LOCATIONS:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Blvd.
Santa Rosa, CA 95403

On the internet at:

http://www.waterboards.ca.gov/northcoast/public_notices/public_hearings/npdes_permits_and_wdrs.shtml

Please contact Regional Water Board staff listed below to have a copy of these documents on CD mailed to you.

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