

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

ORDER No. R1-2009-0114

Short Term Renewal of ORDER NO. R1-2004-0015

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

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

1. On March 24, 2004 the Regional Water Board adopted Order No. R1-2004-0015, *Categorical Waiver Of Waste Discharge Requirements For Discharges Related to Timber Harvest Activities On Federal Lands Managed by the United States Department of Agriculture, Forest Service in the North Coast Region* (Federal Timber Waiver). The Federal Timber Waiver is the primary regulatory mechanism used to provide coverage for discharges of waste from timber harvesting activities by the US Forest Service within the North Coast Region,
2. The Federal Timber Waiver expired on March 24, 2009, in accordance with Water Code section 13269, subdivision (a)(2).
3. The Regional Water Board adopted Order No. R1-2009-0028 on April 23, 2009, which granted a short term renewal of the Federal Timber Waiver to allow additional time for staff to prepare a revised Categorical Waiver for USFS timber harvest activities. This renewal expires December 10, 2009.
4. In the interest of streamlining multiple program oversight for nonpoint source discharges similar to those related to timber harvest activities, the Regional Water Board staff proposes the expansion of the existing waiver of waste discharge requirements to include additional activities that can result in nonpoint source pollution on Forest Service lands within the North Coast Region.
5. A draft revision of the Federal Timber Waiver to include all nonpoint source pollution is well underway, but is not yet completed. It is anticipated the revised Federal Waiver for nonpoint source activities will be considered for adoption by April, 2010. Consequently, a short term extension/renewal of the existing Federal Timber Waiver is needed to continue coverage of federal timber harvest activities in the interim while the revised waiver is developed.
6. It is essential that the Federal Timber Waiver remain in effect until a revised Federal Waiver for Nonpoint Source activities is considered and adopted. Without a waiver, the Forest Service can not enroll any new projects, potentially causing significant delays in planned timber and fuels treatment activities on federal lands. Projects already waived under the existing waiver will remain in force and effect and will not be affected by the expiration of the waiver. Projects already waived

- under the existing waiver can continue without interruption, provided they comply with the conditions and criteria of Order No. R1-2004-0015.
7. The Regional Water Board has reviewed the terms of the current Federal Timber Waiver and determined that its terms are adequate for the purpose of the temporary extension of the expiration date. An extension of the existing Federal Timber Waiver ensures that timber harvest activities on federal lands comply with the Basin Plan until the revised waiver is considered and adopted.
 8. In accordance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the renewal of a categorical waiver is a "project" and the Regional Water Board is the lead agency responsible for approving that project. Section 15061(b)(3) of the CEQA Guidelines (section 15000 et seq. of title 14 of the California Code of Regulations) allows a lead agency to find a project exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The short term renewal of the waiver with no substantive changes will not have any effect on the environment because the environmental baseline, against which the Regional Water Board considers the environmental impacts of a project, includes the existing categorical waiver. There is no possibility that the project will have a significant effect on the environment, and it is, therefore, exempt from CEQA.
 9. The Regional Water Board has notified interested parties of its intent to temporarily extend the Federal Timber Waiver. The Regional Water Board, in a public meeting on December 10, 2009 heard and considered all comments pertaining to the extension of the Categorical Waiver.

IT IS HEREBY ORDERED, that

Order No. R1-2004-0015, *Categorical Waiver For Discharges Related to Timber Harvest Activities On Federal Lands Managed by the United States Department of Agriculture, Forest Service in the North Coast Region* (Federal Timber Waiver) is renewed to continue coverage of federal timber harvest activities in the interim while a more comprehensive waiver is developed.

I, Catherine Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on December 10, 2009.

Catherine Kuhlman
Executive Officer