

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

ORDER R5-2016-0XXXX

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
FOR
DISCHARGES RELATED TO TIMBERLAND MANAGEMENT ACTIVITIES
FOR NON-FEDERAL AND FEDERAL LANDS**

The California Regional Water Quality Control Board, Central Valley Region (hereafter, Central Valley Water Board) finds that:

SCOPE OF COVERAGE OF THIS GENERAL ORDER

1. This Order serves as general waste discharge requirements (WDRs) for waste discharges related to timberland management activities on both non-federal and federal lands that could affect surface waters of the state.
2. Under this Order, “timberland management activities” means commercial activities relating to forest management and timberland conversions, including, but not limited to: cutting or removal of timber and other solid wood forest products; construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, watercourse crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; post-fire salvage operations, herbicide/pesticide applications; site preparation that involves disturbance of soil or burning of vegetation following timberland management activities; but excluding preparatory treemarking, surveying or roadflagging.¹
3. Waste specifically regulated under this Order includes: earthen materials, including soil, silt, sand, clay, rock; organic materials, such as slash, sawdust, or bark; and pesticides that enter or threaten to enter into waters of the state from timberland management activities.
4. Under this Order, the term “Discharger” includes the timberland owner or timber owner, anyone working on behalf of the timberland/timber owner in the conduct of timberland management activities for non-federal lands, the U.S. Forest Service, private timber operators operating on federal lands, and anyone working on behalf of the U.S. Forest Service or a timber operator in the conduct of timberland management activities on federal lands.

REASONS FOR ISSUING GENERAL ORDER

5. There are approximately 16 million acres of federal and non-federal forested lands located within the Central Valley Region. The water quality impacts from timberland management activities on these forested lands falls within the jurisdiction of the Central Valley Water Board.
6. The adoption of individual WDRs for all timberland management activities in the Central Valley Region is not feasible due to the large number of timber harvesting documents received annually for review, the short mandated timeline for the approval of non-federal timberland management activities, and the time needed to adopt individual WDRs. General WDRs on a watershed-by-watershed approach would also take a significant amount of time given the large number of watersheds and sub-watersheds in the Region and is not feasible. Therefore, the Central Valley

¹Definitions for “Pesticide”, “Plan”, and “Project”, as well as other definitions, can be found in Attachment A.

Water Board currently regulates timberland management activities under the Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvesting Activities (Waiver), Order No. R5-2014-0144, which expires on March 31, 2018. Without the current Waiver and adoption of this Order, many timberland management activities would not be subject to any regulation under the California Water Code (Water Code) as required by the Non-Point Source Policy (see Finding 10 below).

7. On October 8, 2013, amendments to Public Resources Code Article 7.7 (commencing with Section 4597) went into effect and established a new type of timber harvesting permit: the Working Forest Management Plan (WFMP). This new permit will allow non-federal, non-industrial landowners of 15,000 acres or less to harvest timber via a non-expiring permit. The California Board of Forestry (BOF) was required to develop and implement the process for the WFMP by January 2016; process concerns raised by stakeholders have delayed the implementation of the WFMP, which is now anticipated to occur by January 2017. The Central Valley Water Board recognizes the need to have a regulatory tool in place to cover the WFMP.
8. This Order addresses the anticipated implementation of the WFMP by the BOF; the upcoming Waiver expiration; the need for additional information related to post-fire salvage operations; the creation of a low threat category for Plans; the creation of a new category for watercourse crossing work outside of a Plan; the need to revise and clarify the monitoring and reporting program; and the overall necessity to streamline the existing Waiver. Individual WDRs would not provide identifiable benefits over this Order because this Order contains essentially the same conditions that would be included in individual WDRs, such as the requirement to comply with water quality control plans, and this Order is enforceable to the same extent as WDRs.

REGULATORY CONSIDERATIONS

9. The Central Valley Water Board possesses the authority to regulate waste discharges that could affect the quality of waters of the state; this authority is derived from the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code).
10. Federal law requires the states to develop and implement plans for dealing with non-point source pollution. (33 U.S.C. §1329.) Pursuant to this federal mandate, the State Water Resources Control Board (State Water Board) adopted its Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) in 2004. The NPS Policy requires the State Water Board and Regional Water Quality Control Board (Regional Water Board) to regulate non-point source pollution by using either (1) Waste Discharge Requirements (Water Code section 13260); (2) a Waiver of Waste Discharge Requirements (Water Code section 13269); or (3) a Prohibition (Water Code section 13243).
11. Water Code section 13260 subdivision (a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of waters of the state, other than into a community sewer system, shall file with the appropriate Regional Water Board a Report of Waste Discharge containing such information and data as may be required.
12. Water Code section 13263 requires the Central Valley Water Board to prescribe WDRs, or waive WDRs, for proposed, existing, or material changes in discharges of waste that could affect water quality. The board may prescribe WDRs although no discharge report under Water Code section 13260 has been filed. The WDRs must implement relevant water quality control plans and

the Water Code. The Central Valley Water Board may prescribe general WDRs for a category of discharges if all the following criteria apply to the discharges in that category:

- a. The discharges are produced by the same or similar operations.
- b. The discharges involve the same or similar types of waste.
- c. The discharges require the same or similar treatment standards.
- d. The discharges are more appropriately regulated under general requirements than individual requirements.

The rationale for developing general waste discharge requirements for timberland management activities in the Central Valley Region includes: (a) discharges are produced by similar operations (timberland management activities); (b) waste discharges under this Order involve similar types of wastes (typically earthen materials such as soil and rock, organic materials such as slash and bark, and silvicultural pesticides); (c) water quality management practices are similar for timberland management activities; and (d) due to the large number of timberland management activities that take place in the Central Valley region, timberland management activities are more appropriately regulated under general rather than individual requirements.

13. The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin, Fourth Edition, revised April 2016* and the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2015* (hereafter Basin Plans) designate beneficial uses, establish water quality objectives, contain programs of implementation needed to achieve water quality objectives, and reference the plans and policies adopted by the State Water Board.

14. Whether an individual discharge of waste from timberland management activities may affect the quality of the waters of the state depends on a variety of site-specific factors, including, but not limited to:

- a) Distribution and Sensitivity of the Beneficial Uses of Water
 - Presence of domestic water supplies
 - Presence of aquatic species (including listed species)
 - Close proximity of operations to other critical beneficial uses or sensitive receptors
- b) Current Water Quality Conditions
 - Existing Total Maximum Daily Loads or 303(d) listings
 - Documented non-compliance with Basin Plan standards
 - Known or suspected watershed impacts
- c) Physical Setting
 - Unstable geologic setting / steep slopes
 - Erodible soils
 - Existing landslides or active erosion sites
 - Roads or watercourse crossings in poor condition
 - Harsh climates and/or intense precipitation regimes
 - Post-fire landscape
- d) Type and Scope of Proposed Activities
 - Intense silvicultural and/or yarding methods
 - Intensity of site preparation and/or road construction
 - Winter operations and/or "non-standard" or "in lieu" practices

15. This Order implements the Basin Plans by requiring the implementation of management practices to prevent exceedances of applicable water quality objectives (both numeric and narrative) and

requiring the prevention of nuisance. The Order requires implementation of a monitoring and reporting program to determine effects of waste discharges on water quality and the effectiveness of management practices designed to comply with applicable water quality objectives as defined in the Basin Plans.

16. Pursuant to the Basin Plans and State Water Board Plans and Policies, including State Water Board Resolution 88-63 "Sources of Drinking Water", the existing and potential beneficial uses of waters in the Central Valley Region include:

- a) Agricultural Supply (AGR)
- b) Aquaculture (AQUA)
- c) Preservation of Biological Habitats of Special Significance (BIOL)
- d) Cold Freshwater Habitat (COLD)
- e) Commercial and Sportfishing (COMM)
- f) Estuarine Habitat (EST)
- g) Freshwater Replenishment (FRSH)
- h) Ground Water Recharge (GWR)
- i) Industrial Service Supply (IND)
- j) Migration of Aquatic Organisms (MIGR)
- k) Municipal and Domestic Supply (MUN)
- l) Navigation (NAV)
- m) Hydropower Generation (POW)
- n) Industrial Process Supply (PRO)
- o) Rare, Threatened, or Endangered Species (RARE)
- p) Water Contact Recreation (REC-1)
- q) Non-Contact Water Recreation (REC-2)
- r) Shellfish Harvesting (SHELL)
- s) Spawning, Reproduction, and Development (SPWN)
- t) Warm Freshwater Habitat (WARM)
- u) Wildlife Habitat (WILD)

17. The Basin Plans contain water quality objectives developed to protect the above-listed beneficial uses of water. Eligibility Criteria, Prohibitions, and Conditions contained in this Order implement these water quality objectives. Compliance with water quality objectives will protect the beneficial uses listed in the above finding.

REGULATORY HISTORY AND COORDINATION AND COOPERATION WITH OTHER AGENCIES

18. Non-Federal Lands -

The California Department of Forestry and Fire Protection and The Board of Forestry - The California Department of Forestry and Fire Protection (CAL FIRE) and the BOF regulate timberland management activities on non-federal lands in accordance with the Z'berg-Nejedly Forest Practice Act (Public Resources Code § 4511 et seq.) and the California Forest Practice Rules (FPR) (California Code of Regulations, title 14, § 895 et seq.). CAL FIRE is the state agency responsible for overseeing timber harvest activities through implementation of the FPR. Non-federal landowners proposing to harvest timber for commercial purposes are required to have an approved Plan, prepared by a Registered Professional Forester (RPF), prior to starting timberland management activities. Pursuant to the FPR, the applicable Regional Water Board, California Department of Fish and Wildlife (CDFW), California Geological Survey, and other

agencies are also responsible agencies that review Plans and provide recommendations to CAL FIRE as part of a "Review Team." As a member of the Review Team, the Regional Water Board reviews proposed Plans and has the opportunity to participate in pre-harvest inspections. CAL FIRE's Plan approval process is the functional equivalent to the California Environmental Quality Act Environmental Impact Report process (California Code of Regulations, title 14, § 896).

In 1988, the State Water Board (a) conditionally certified the "Water Quality Management Plan for Timber Operations on Nonfederal Lands" which included those California FPR selected as best management practices and the process by which those rules are administered; (b) designated CAL FIRE and the BOF as joint Water Quality Management Agencies; and (c) executed a Management Agency Agreement (MAA) with CAL FIRE and BOF for the purpose of implementing the certified plan and Water Quality Management Agency (WQMA) designations.

The MAA between the State Water Board and CAL FIRE/BOF required a formal review of the California FPR and administering processes no later than six years from the date of certification; to date, that review has not occurred.

The USEPA has not approved the State Water Board's certification of the California FPR and administering processes for regulation of timberland management activities on non-federal lands in California.

The California Department of Fish and Wildlife - Pursuant to Fish and Game Code sections 1600-1616, CDFW regulates any activity on non-federal lands that does one or more of the following: 1) substantially diverts or obstructs the natural flow of any river, stream or lake; 2) substantially changes or uses any material from the bed, channel, or bank of, any river, stream, or lake; or 3) deposits or disposes of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. CDFW may issue a Master Agreement for Timber Operations (MATO) or individual Lake or Streambed Alteration Agreements (LSAAs) to Dischargers that propose watercourse crossing work that meet one or more of the three criteria above.

Watercourse crossing work outside of a CAL FIRE-approved Plan was not allowed under the 2014 Waiver; which prevented Dischargers from proactively reconstructing or upgrading existing crossings on their timberlands that were not actively under a Plan. This Order creates a new enrollment category for watercourse crossing work outside of a Plan by tiering off CDFW-executed MATOs and LSAAs.

19. **Federal Lands** - In 1981, the State Water Board (a) certified a plan entitled "Water Quality Management for National Forest System Lands in California" that was developed and submitted by the U.S. Department of Agriculture, U.S. Forest Service; (b) designated the U.S. Forest Service as the WQMA for specified activities on National Forest System lands in California that may result in non-point source discharges, including timber management, vegetative manipulation, fuels management, road construction and watershed management; and (c) executed a MAA with the U.S. Forest Service for the purpose of implementing the certified plan and WQMA designation.

Pursuant to Section 208 of the federal Clean Water Act, the United States Environmental Protection Agency approved the State Water Board's certification of the U.S. Forest Service water quality management plan, and the State Water Board's certification of the practices therein as "best management practices" (BMPs).

The MAA between the State Water Board and the U.S. Forest Service contemplates that the Water Boards will waive issuance of waste discharge requirements for U.S. Forest Service timber harvest activities that may result in non-point source discharges, provided that the U.S. Forest Service designs and implements its Projects to fully comply with state water quality standards. However, relying solely on the MAA framework to regulate non-point source activities on federal lands is not adequate to address the NPS Policy.

20. **Central Valley Water Board** - On 30 January 2003, in response to mandated legislative changes, the Central Valley Water Board adopted Resolution No. R5-2003-0005, which included "Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities" as Attachment A.

On 28 April 2005, in response to mandated legislative changes, the Central Valley Water Board adopted Resolution No. R5-2005-0052, which (1) renewed the conditional waiver for discharges related to timberland management activities for a term of 5 years; (2) revised Attachment A; and (3) added Attachment B, "Monitoring and Reporting Conditions" and Attachment C, "Implementation, Forensic and Effectiveness Monitoring and Reporting Program".

On 18 March 2010, the Central Valley Water Board adopted Order R5-2010-0022, which renewed the Waiver and Attachments A, B, and C for 5 years.

On 4 December 2014, the Central Valley Water Board adopted Order No. R5-2014-0144, which renewed the Waiver and Attachments A, B, and C for an additional 3 years; the Waiver expires on March 31, 2018.

MONITORING AND REPORTING PROGRAM

21. Water Code section 13267(b)(1) provides:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports. (2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes may not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies. However, these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

22. Technical reports are necessary to evaluate Discharger compliance with the terms and conditions of this Order and to assure protection of waters of the state. Consistent with Water Code section 13267, this Order requires the implementation of a monitoring and reporting program (MRP) that is

intended to determine the effects of Discharger waste discharges on water quality, to verify the effectiveness of management practices designed to comply with applicable water quality objectives, to verify the adequacy and effectiveness of the Order's conditions, and to evaluate Discharger compliance with the terms and conditions of the Order.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

23. The Central Valley Water Board, acting as the lead agency for this project under the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) (CEQA), conducted an Initial Study in 2002 in accordance with Title 14, California Code of Regulations, section 15063.
24. The Central Valley Water Board adopted a negative declaration pursuant to CEQA on January 30, 2003 when it issued a Waiver of Waste Discharge Requirements Order No. R5-2003-0005. This action to create a General Order does not require preparation of a subsequent or supplemental environmental document pursuant to the California Code of Regulations, title 14, sections 15162 or 15163. There is no evidence to indicate that substantial changes are proposed for the project, that substantial changes have occurred with respect to the circumstances of the project, or that there is new information of substantial importance with respect to the project, as described in section 15162, subdivision (a). Therefore, the environmental impacts from issuance of this General Order have already been adequately assessed in accordance with CEQA (title 14, section 15061(b)(3)).

ANTIDEGRADATION

25. State Water Board Resolution 68-16 ("Statement of Policy with Respect to Maintenance of High Quality Waters in California") requires the Central Valley Water Board to regulate discharges of waste to waters of the state to achieve the highest water quality consistent with maximum benefit to the people of the state. It further requires that the Discharger meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the state will be maintained. This Order is consistent with Resolution 68-16 because it requires compliance with applicable water quality control plans, prohibits the creation of pollution or nuisance, and sets forth conditions that require Dischargers to implement additional management practices (beyond those required in the FPR and U.S. Forest Service BMP guidance manuals) to assure protection of beneficial uses of waters of the state and maintain the highest water quality consistent with maximum benefit to the people of the state.
26. This Order is in the public interest as described below:
 - a) Timberland management activities are primarily regulated by other agencies, including CAL FIRE and the U.S. Forest Service. The Central Valley Water Board does not approve timberland management activities, but it does have authority to require compliance with the Water Code.
 - b) Without this Order, timberland management activities would continue under authority of those other agencies, but such activities may not be subject to appropriate conditions protective of water quality.
 - c) Without this Order, the Central Valley Water Board could regulate a smaller percentage of timberland management activities in the Region due to limited staff resources, but with this Order, timberland management activities acting pursuant to it are subject to enforceable conditions.

- d) This Order contains conditions that require compliance with the applicable Basin Plan, including applicable water quality objectives.
- e) This Order contains conditions requiring compliance with a MRP that will assist in the protection of water quality and in verification of the adequacy and effectiveness of Order conditions.
- f) Compliance with the conditions of this Order will ensure enrolled Projects are protective of water quality.
- g) This Order does not approve of or authorize a condition of pollution or nuisance.
- h) This Order's conditions are subject to enforcement pursuant to Water Code section 13350 in the same way as enforcement of waste discharge requirements.
- i) Given the available Central Valley Water Board staff resources, this Order is an effective mechanism to regulate a large number of potential discharges and allows staff to maximize its field presence.
- j) This Order allows staff to continue to participate in the review of proposed timberland management Projects which provides staff the ability to require implementation of protective measures beyond those required by CAL FIRE and the U.S. Forest Service for the most critical timber operations.
- k) This Order allows for inclusion of staff recommendations during field review of Projects and the inclusion of additional management practices in submittals not field-reviewed by staff.
- l) This Order allows for watercourse crossing reconstruction on existing crossings outside of a Plan that might otherwise go uncorrected for years.
- m) The inclusion of a MRP allows for accelerated application of management practices to protect waters of the state once failures or potential failures have been identified.

GENERAL FINDINGS

- 27. Any person seeking coverage under this Order shall file the applicable eligibility document(s) as described herein with the Central Valley Water Board. Dischargers shall file any additional eligibility documents required by the Executive Officer, which may include a State Water Board Form 200 "General Information Form for Waste Discharge Requirements or NPDES (National Pollutant Discharge Elimination System) Permit".
- 28. An annual fee for enrollment under this Order is not required pursuant to Assembly Bill 1492, codified as Public Resources Code section 4629.6(c), which states that no currently authorized or required fees shall be charged by the Regional Water Boards for activities or costs associated with the review of Projects or permits necessary to conduct timberland management activities.
- 29. Dischargers currently enrolled under Order No. R5-2014-0144 shall be automatically enrolled under this Order and shall be subject to all of its requirements.
- 30. This Order does not apply to discharges requiring a NPDES permit under the Clean Water Act, including silvicultural point sources as defined in 40 CFR 122.27.
- 31. This Order does not authorize any act that results in the taking of threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). If "take" will result from any action authorized under this Order, the Discharger shall obtain appropriate take authorization prior to construction or operation of the Project. The Discharger shall be responsible for meeting all requirements of the applicable Endangered Species Acts.

32. Section 106.3 of the Water Code establishes the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring Dischargers to implement best management practices designed to achieve applicable water quality objectives developed to protect municipal and domestic water supplies.

PUBLIC NOTICE / BOARD MEETING

33. The Central Valley Water Board has notified interested agencies and persons of its intent to issue this Order for discharges of waste from timberland management activities on non-federal and federal lands, and has provided them an opportunity to participate in public workshops and to submit written comments.
34. The Central Valley Water Board conducted a public hearing on X 2016, and all comments, testimony, and evidence pertaining to this Order were heard and considered.
35. This Order is effective upon adoption by the Central Valley Water Board on X 2016 and remains in effect unless rescinded or revised by the Central Valley Water Board.

IT IS HEREBY ORDERED that, pursuant to California Water Code sections 13260, 13263, and 13267, all Dischargers meeting the criteria and conditions for coverage under this Order shall comply with the following:

I. Prohibitions

1. The Discharger shall not create a condition of pollution, contamination, or nuisance, as defined by Water Code section 13050.
2. The Discharger shall not contribute to an exceedance of any applicable water quality objectives (whether numeric or narrative) in the Basin Plans or of any applicable state or federal water quality criteria.
3. The discharge of any waste not specifically regulated by this Order is prohibited unless the Discharger complies with Water Code section 13260 subdivision (a) and the Central Valley Water Board either issues WDRs pursuant to Water Code section 13263 or an individual waiver pursuant to Water Code section 13269, or in the case of a discharge that does not create or threaten a condition of pollution or nuisance, the timeframes in Water Code section 13264 subdivision (a) have lapsed.

Waste specifically regulated under this Order includes: earthen materials, including soil, silt, sand, clay, rock; organic materials, such as slash, sawdust, or bark; and pesticides that enter or threaten to enter into waters of the state from timberland management activities.

II. Provisions

1. Dischargers who are covered under this Order shall comply with the terms and conditions contained in this Order.
2. The Discharger shall conduct timberland management activities in accordance with the CAL FIRE-approved Plan, CAL FIRE-accepted Exemption (EX) or Emergency (EM) Notice, or CDFW-executed MATO or LSAA for non-federal timberlands; or in accordance with the final environmental document/decision document prepared pursuant to the National Environmental Policy Act (NEPA) and third party contracts for timberland management activities on federal lands managed by the U.S. Forest Service.
3. The Discharger shall allow Central Valley Water Board staff reasonable access onto property where activities covered by this Order occur whenever requested by Central Valley Water Board staff for the purpose of performing inspections and conducting monitoring, including sample collection, measuring, and photographing/taping to determine compliance with Order conditions. Such inspections and monitoring shall be conducted consistent with Water Code section 13267 subdivision (c), Public Resources Code section 4604 subdivision (b)(1), and other applicable law.
4. The Discharger must incorporate management practices and/or water quality protective measures resulting from Central Valley Water Board staff participation in CAL FIRE's Review Team process, the Federal review process, the CDFW review process, and/or during Project enrollment that arise from changed conditions/new information into the Project document(s) and/or *Notice of Intent* (NOI) addendum.
5. The Discharger shall maintain a copy of this Order at its primary place of business.

The Discharger's designee/agents shall be provided a copy and be familiar with the contents and requirements of this Order.

6. Dischargers shall comply with the attached Monitoring and Reporting Program R5-2016-0XXX, and future revisions thereto or with an individual monitoring and reporting program, as specified by the Central Valley Water Board or the Executive Officer.
7. The Discharger shall comply with all requirements and prohibitions of the applicable Basin Plan, including any amendments adopted by the Central Valley Water Board and approved by the State Water Board and with all applicable policies adopted by the State Water Board.
8. The Executive Officer may require the Discharger to submit additional technical reports pursuant to Water Code section 13267.
9. This Order shall not create a vested right, and all such discharges of waste shall be considered a privilege, as provided for in Water Code section 13263.
10. Pursuant to Water Code section 13263, this action of adopting waste discharge requirements general order for timberland management activities: (a) may be terminated at any time, (b) does not permit an illegal activity, (c) does not preclude the need for permits which may be required by other local or governmental agencies, and (d) does not preclude the Central Valley Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code.
11. The Central Valley Water Board may review this Order at any time and may modify or terminate the Order in its entirety or for individual enrollees, as appropriate.

III. Criteria and Condition Specifications by Category

Table 1 (next page) summarizes the enrollment categories and corresponding requirements under this Order. Several categories incorporate CAL FIRE regulations by reference. Based on amendments to CAL FIRE regulations that may be promulgated after the adoption of this Order, the Central Valley Water Board may determine that a Discharger's otherwise eligible Project does not qualify for enrollment under the requested category, or that the Project does not qualify for enrollment under the Order at all. If the Central Valley Water Board makes such a determination, it will provide prompt notice to the Discharger that enrollment in a different category is required or that enrollment under the Order is denied.

Eligibility under Category 1 or 2 assumes Discharger compliance with applicable criteria/conditions under California Code of Regulations, title 14, section 1038 (for Notices of Exemption) or title 14, section 1052 et seq. (for Emergency Notices). During a declared State of Emergency, an Executive Order may authorize CAL FIRE to suspend some or all of these criteria. In the event of such a suspension, the Central Valley Water Board hereby retains for itself the discretion to require the Discharger to meet otherwise applicable criteria under title 14, section 1038 and/or section 1052 et seq. – whether suspended by CAL FIRE or not – for eligibility under Category 1 or 2. The Central Valley Water Board will provide prompt notice to affected Dischargers that it intends to exercise this discretion.

Table 1. Summary of Timberland Management Activity Categories and Requirements¹

	Cat.	Activities Covered	Summary of application, notification, and monitoring requirements	
Lead Agency	CAL FIRE (non-federal)	1	Low Threat EX and EM Notices	Automatically enrolled, Agency Monitoring
		2A	EM Notices for fire salvage (<i>no residence</i>)	Conditionally enrolled contingent on submittal of <i>NOI</i> and <i>Crossing Information Sheet</i> within 30 days of EM Notice acceptance by CAL FIRE, Agency, Implementation, Forensic, and Effectiveness Monitoring, Annual Summary of Operations and Pesticide Usage
		2B	EM Notices for fire salvage (<i>residence</i>) and Notices that do not qualify for Category 1	<i>NOI</i> 15 days prior to operations, Agency and Effectiveness Monitoring
		3A	Higher Threat THPs, PTHPs, WFMPs, NTMPs, and other Plans ²	<i>NOI</i> 15 days prior to operations, Annual Notice of Operations prior to startup, Notice of Timber Operations/Harvest Notice 15 days prior to operations (WFMPs/NTMPs only), Agency, Implementation, Forensic, and Effectiveness Monitoring and Annual Summary of Operations
		3B	Modified THPs and other low threat Plans ²	<i>NOI</i> 15 days prior to operations, Annual Notice of Operations prior to startup, Agency and Effectiveness Monitoring
	CDFW	4	MATO / LSAA crossing work outside a Plan	Submit CDFW notification 30 days prior to work commencing, <i>NOI</i> 30 days prior to operations, Implementation, Forensic, and Effectiveness Monitoring
	USFS (federal)	5A	Post-fire timberland management activities	<i>NOI</i> and <i>Crossing Information Sheet</i> 15 days prior to operations, Annual Notice of Operations 15 days prior to startup, Agency Monitoring - National Core BMP monitoring protocol(s) based on activities, Annual Summary of Operations and Pesticide Usage
		5B	Timberland management activities (except post-fire activities)	<i>NOI</i> and Annual Notice of Operations 15 days prior to operations, Agency Monitoring – National Core BMP monitoring protocol, Annual Summary of Operations

¹This table only provides an abbreviated summary of the criteria, conditions, and monitoring for categories; refer to category specific criteria/conditions and Attachment B for complete information.

²See low threat Plan criteria under Part III.D.2.a.ii. and the definition of a Plan in Attachment A.

THP – timber harvesting plan, PTHP – program timber harvesting plan, NTMP – non-industrial timber management plan

A. Certification of Notice of Non-Applicability – Projects that do not contain watercourses or wet areas within or directly adjacent to the Project area AND do not pose a threat to water quality or the beneficial uses of waters of the state (appurtenant roads to be considered in evaluation) do not need to be enrolled under this Order. **10 days prior** to the startup of operations, Project proponents must submit a signed *Certification of Notice of Non-Applicability* to the Central Valley Water Board certifying that the Project meets the criteria above.

B. Category 1: Low Threat Exemption and Emergency Notices for Timberland Management Activities on Non-Federal Lands

1. Eligibility Criteria: Activities that may proceed under this category are those:

a) Conducted under a CAL FIRE-accepted Exemption pursuant to California Code of Regulations, title 14, section 1038, including but not limited to:

- i. Harvesting dead, dying or diseased trees;
- ii. Substantially damaged timberland unmerchantable as sawlog;
- iii. Forest fire prevention;
- iv. Drought mortality.

-OR-

b) Conducted under a CAL FIRE accepted Emergency Notice pursuant to the conditions listed in California Code of Regulations, title 14, sections 1052-1052.5 (**substantially damaged timberlands from fire, fire salvage, excluded – see Category 2**), including, but not limited to:

- i. Harvesting dead or dying (fire salvage excluded);
- ii. Fuel hazard reduction;
- iii. Sudden Oak Death disease.

-OR-

c) Conducted under a CAL FIRE-accepted Conversion Exemption pursuant to California Code of Regulations, title 14, section 11041.1, including but not limited to:

- i. Less than 3 acres for the purpose of fuels reduction and/or construction activities;
- ii. Public agency, public and private utility right-of-way.

2. Conditions: Dischargers conducting timberland management activities that meet the eligibility criteria listed in **Part III.B.1** above are *automatically* enrolled under the Order if they comply with the following conditions:

a) The Discharger shall submit a copy of the CAL FIRE-accepted Exemption or Emergency Notice if requested by the Central Valley Water Board.

b) For Conversion Exemptions (less than 3 acre conversions) that will be for the purpose of construction development (for residence or commercial purpose of any type), the Discharger must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity, Construction General Permit 2009-0009-DWQ, prior to construction activities that disturb one or more acres or activities that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

- c) For Exemption Notices (typically less than 3 acre conversions), that will be for the purpose of cannabis cultivation, the Discharger may need to obtain coverage under the General Permit for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities, Order No. R5-2015-0113.
- d) The Discharger shall comply with all conditions specified in Attachment B, Monitoring and Reporting Program No. R5-2016-0XXX, including notifying the Central Valley Water Board when Agency Monitoring detects a violation of the California Forest Practice Rules that relate to water quality protection measures.

C. Category 2: Emergency Notices Related to Fire Salvage and Exemption or Emergency Notices That Do Not Qualify for Coverage under Category 1 on Non-Federal Lands

Category 2A (Fire Salvage - No Residence)

- 1. Eligibility Criteria: To be conditionally enrolled under this category, activities must meet the following criteria:
 - a) Conducted under a CAL FIRE-accepted Emergency Notice pursuant to the conditions listed in California Code of Regulations, title 14, section 1052.1 for:
 - i. Fire Salvage, for industrial timberlands.
 - OR-
 - ii. Fire salvage, for non-industrial timberlands when a **residence is not within the Emergency area.**
 - b) The CAL FIRE Notice and/or *NOI* incorporates additional management practices and/or water quality protective measures identified by Central Valley Water Board staff during review of the CAL FIRE Notice.

Category 2B (Non-Industrial Fire Salvage with Residence and Other EM/EXs)

- 2. Eligibility Criteria: To be enrolled under this category, activities must meet the following criteria:
 - a) Conducted under a CAL FIRE-accepted Emergency or Exemption Notice as follows:
 - i. For a CAL FIRE accepted Emergency Notice pursuant to the conditions listed in California Code of Regulations, title 14, section 1052.1 for **fire salvage**, when a **non-industrial** timberland owner's **residence is within** the Emergency area;
 - OR-
 - ii. CAL FIRE accepted Emergency or Exemption Notice that does not qualify for coverage under Category 1, as determined by Central Valley Water Board staff.
 - b) The CAL FIRE Notice and/or *NOI* incorporates additional management practices and/or water quality protective measures identified by Central Valley Water Board staff during review of the CAL FIRE Notice.
- 3. Enrollment Conditions: Dischargers conducting timberland management activities that meet the eligibility criteria for Category 2A or 2B listed in **Part III. C.1. and C.2.** above must comply with *the following applicable conditions* in order to enroll under Category 2A or 2B:

Category 2A

- a) Dischargers conducting timberland management activities that meet the eligibility criteria listed in Part III.C.1 above are **conditionally** enrolled under the Order if they comply with the following conditions: (1) the Central Valley Water Board receives a copy of the Emergency Notice accepted by CAL FIRE, and (2) the Central Valley Water Board receives a **complete NOI for Category 2A and crossing information sheet within 30 days of Emergency Notice acceptance by CAL FIRE**, signed by the timberland/timber owner, certifying that the activities meet the criteria and conditions for enrollment in Order Category 2A.
- b) The Discharger shall **notify** the Central Valley Water Board **in writing at least 15 days prior to any proposed application of pesticides**. The written notification shall include the type(s) of pesticide(s), the proposed date(s) of application, the method(s) of application, the area(s) of application (CAL FIRE Notice number and Township/Range/Section), and a description of measures that will be employed to assure compliance with the applicable Basin Plan. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.

In addition, a **pesticide usage report is required by 31 December** that includes detailed information regarding usage for the previous year (see Attachment B).

Category 2B

- c) Dischargers conducting timberland management activities that meet the eligibility criteria listed in Part III. C.2 above must submit the following: (1) a copy of the Emergency or Exemption Notice accepted by CAL FIRE, and (2) a *NOI for Categories 2B, 3A, and 3B*, signed by the timberland/timber owner, certifying that the activities meet the criteria and conditions for enrollment in Order Category 2B. Timberland management activities may commence once the Central Valley Water Board has notified the Discharger that their NOI is complete, or **15 days** following receipt of a NOI by the Central Valley Water Board, whichever is sooner.

Categories 2A and 2B (Fire Salvage)

- d) *IF*:
 - 1) Activities are undertaken pursuant to a CAL FIRE Notice on which Central Valley Water Board staff has not consulted; *AND*
 - 2) The CAL FIRE Notice proposes *EITHER*
 - a. timberland management activities on soils with extreme erosion hazard rating (post-fire), known landslides, and/or unstable areas *that have the potential to impact water quality*, *OR*
 - b. propose any watercourse crossing that involves the placement of more than 500 cubic yards or 25 vertical feet of fill material,

THEN additional field review must be conducted or directed by a registered civil engineer or registered geologist, as his/her California license for practicing engineering and/or geology permits, to determine if the Notice could cause or exacerbate the potential for soil erosion or mass soil movement. The CAL FIRE Notice or NOI addendum must incorporate all recommendations made by the registered professional for the specific site conditions listed above.

- e) The Discharger must comply with the following pesticide buffers (unless more stringent buffers are dictated by application labels/guidance, statute, or regulation):
 - i. For Class I and II watercourses, the applicable WLPZ widths specified in the California Code of Regulations, title 14, section 936.5;
 - ii. For Class III and IV watercourses, a minimum of 25 feet where sideslope steepness is less than 30%, and a minimum of 50 feet where sideslope steepness is 30% or greater.

Exceptions to the stated pesticide buffers will be considered by Central Valley Water Board staff on an individual basis when such protection is inconsistent with the management objectives of the Discharger and alternative buffers/practices will be as protective of water quality.

Categories 2A and 2B

- f) The Discharger must meet the following conditions unless Central Valley Water Board staff has consulted on the CAL FIRE Notice and agreed to alternative protection measures as warranted by site-specific conditions and/or as requested by the Discharger when such protection is inconsistent with land management objectives:
 - i. A minimum Equipment Limitation Zone for any and all Class III and Class IV watercourses of at minimum 25 feet where sideslope steepness is less than 30%, and at a minimum 50 feet where sideslope steepness is 30% or greater.
 - ii. Culverts or other permanent in-stream structures at watercourse crossings in which water is flowing at the time of installation shall be installed with their necessary protective structures (i.e. armoring, wing walls, downspouts) concurrently with fill placement. Additionally, installation shall utilize methods to temporarily isolate or divert stream flows from the installation area while maintaining bypass flows or as specified in an executed MATO or LSAA from CDFW.
 - iii. Any and all riparian vegetation, other than commercial species, that is found along watercourses and lakes or that is found within or bordering meadows and wet areas shall be retained and protected during timberland management activities.
- g) For a CAL FIRE Notice where aquatic or wetland habitat for rare, threatened or endangered species is identified and where timberland management activities may impact such habitat, additional field review has been conducted by a scientist, with a bachelor's or advanced degree in biological sciences and experience in aquatic systems, and/or a qualified professional trained in biological assessments to determine if the Notice could adversely affect such species or their habitat. The CAL FIRE Notice must incorporate all project modifications and mitigation measures recommended by the scientist/professional to avoid impacts to rare, threatened, or endangered species.
- h) Mine tailings and waste rock shall not be disturbed or used as construction materials unless the material(s) has been properly characterized for constituents of concern, particularly mercury, to ensure there will be no adverse impacts to water quality and the beneficial uses; results of such monitoring shall be submitted to the Central Valley Water Board within

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Waste Discharge Requirements General Order for
Discharges Related to Timberland Management Activities on Non-Federal and Federal Lands

15 days of receipt of the results. If mercury or other constituents of concerns are detected which exceed Basin Plan objectives, the material(s) shall not be utilized.

- i) Pursuant to Water Code section 13267, the Discharger shall comply with all the conditions specified in Attachment B, Monitoring and Reporting Program No. R5-2016-0XXX.

Category 2A will be subject to agency, implementation, forensic, and effectiveness monitoring and an annual operations summary.

Category 2B will be subject to agency and effectiveness monitoring.

- j) Upon completion of timberland management activities, completion of required monitoring, submittal of reports, and cessation of waste discharges (including pesticides), the Discharger shall seek termination of coverage under the Order in accordance with Part V., Termination of Coverage.

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D. Category 3: Timber Harvesting Plans on Non-Federal Lands that receive Discretionary Approval from CAL FIRE

Category 3A (Plans With a Higher Threat to Water Quality)

1. Eligibility Criteria: To be enrolled under this category, activities must meet the following criteria:
 - a) Timberland management activities on non-federal lands that receive discretionary approval from CAL FIRE, including but not limited to:
 - i. Timber harvesting plans;
 - ii. Program timber harvesting plans;
 - iii. Working forest management plans;
 - iv. Non-industrial timber management plans;
 - v. Other Plans.
 - b) Additional management practices and/or water quality protective measures (beyond the requirements of the current Forest Practice Rules) identified during the CAL FIRE Review Team process and/or during Project enrollment (i.e. changed conditions/new information), must be incorporated into the approved Plan documents and/or NOI addendum.

Category 3B (Plans With a Lower Threat to Water Quality)

2. Eligibility Criteria: To be enrolled under this category, activities must meet the following criteria:
 - a) Timberland management activities on non-federal lands that receive discretionary approval from CAL FIRE, including but not limited to:
 - i. Modified timber harvesting plans pursuant to California Code of Regulations, title 14, sections 1051-1051.7;
 - OR-
 - ii. Timber harvesting plans, program timber harvesting plans, working forest management plans, non-industrial timber management plans, and other Plans that comply with all of the following criteria:
 - 1) No timberland management activities within the standard width of a WLPZ or ELZ (as defined in CCR, title 14, section 936.5), a meadow, or a wet area, except for: 1) the use and maintenance of *existing* roads and associated watercourse crossings that *will not result in a significant sediment discharge*, and 2) the installation and use of *dry* Class III watercourse tractor crossings;
 - 2) No significant existing or potential erosion sites identified within the Plan;
 - 3) No timberland management activities on high or extreme EHR that may result in a significant sediment discharge;
 - 4) No timberland management activities conducted in-lieu of the standard Forest Practice Rules.
 - b) Additional management practices and/or water quality protective measures (beyond the requirements of the current Forest Practice Rules) identified during the CAL FIRE Review Team process and/or during Project enrollment (i.e. changed conditions/new information), must be incorporated into the approved Plan documents and/or NOI addendum.
3. Enrollment Conditions: Dischargers conducting activities meeting the eligibility criteria for

Category 3A or 3B listed in **Part III.D.1. and D.2.** above must comply with the following conditions in order to enroll under either Order category:

- a) The Discharger shall submit a copy of the CAL FIRE approved Plan if requested by Central Valley Water Board staff. The Plan must incorporate additional management practices and/or water quality protective measures resulting from Central Valley Water Board staff participation in the CAL FIRE's Review Team process.
- b) Submit a *NOI for Categories 2B, 3A, and 3B*, signed by the timberland/timber owner, certifying that the activities meet the criteria and conditions contained in either Order Category 3A or 3B. Activities may commence once the Central Valley Water Board has notified the Discharger that their NOI is complete, or **15 days** following receipt of a NOI by the Central Valley Water Board, whichever is sooner.
- c) For approved expiring Plans, the Discharger shall notify the Central Valley Water Board of the start of timberland management activities each calendar year, **within 15 days before, and not later than the day of the startup of operations.**
- d) For approved non-expiring Plans, NTMPs and WFMPs, the Discharger shall submit each Notice of Timber Operations (NTO) or the Working Forest Harvest Notice, respectively, to the Central Valley Water Board no less than **15 days** prior to the commencement of timberland management activities.
- e) For approved NTMPs that do not incorporate the FPR "Road Rules" (Cal. Code Regs., tit. 14, art. 12) which became effective January 2015, the Discharger must submit an inventory of significant existing or potential erosion sites, as detailed in California Code of Regulations, Title 14, section 923.1(e), to the Central Valley Water Board **15 days** prior to commencement of timberland management activities. The erosion inventory shall: (1) be prepared by a RPF (2) encompass the NTO area and appurtenant roads at a minimum, and (3) include an implementation schedule for treatment of erosion sites.
- f) For a Plan where aquatic or wetland habitat for rare, threatened or endangered species is identified and where timberland management activities may impact such habitat, additional field review has been conducted by a scientist, with a bachelor's or advanced degree in biological sciences and experience in aquatic systems, and/or a qualified professional trained in biological assessments to determine if the Plan could adversely affect such species or their habitat. The Plan must incorporate all project modifications and mitigation measures recommended by the scientist/professional to avoid impacts to rare, threatened, or endangered species.
- k) *IF:*
 - 1) Activities are undertaken pursuant to a Plan on which Central Valley Water Board staff has not consulted; *AND*
 - 2) The Plan proposes *EITHER*
 - a. timberland management activities on soils with extreme erosion hazard rating, known landslides, and/or unstable areas *that have the potential to impact water quality, OR*
 - b. propose any watercourse crossing that involves the placement of more than 500 cubic yards or 25 vertical feet of fill material,

THEN additional field review must be conducted or directed by a registered civil engineer or registered geologist, as his/her California license for practicing engineering and/or geology permits, to determine if the Plan could cause or exacerbate the potential for soil erosion or mass soil movement. The Plan or NOI addendum must incorporate all recommendations made by the registered professional for the specific site conditions listed above.

- g) The Discharger must meet the following conditions unless Central Valley Water Board staff has consulted on the Plan and has agreed to alternative protection measures/treatments as warranted by site-specific conditions and/or as requested by the Discharger when such protection is inconsistent with land management objectives:
- i. A minimum Equipment Limitation Zone for any and all Class III and Class IV watercourses of at minimum 25 feet where sideslope steepness is less than 30%, and at a minimum 50 feet where sideslope steepness is 30% or greater.
 - ii. Culverts or other permanent in-stream structures at watercourse crossings in which water is flowing at the time of installation shall be installed with their necessary protective structures (i.e. armoring, wing walls, downspouts) concurrently with fill placement. Additionally, installation shall utilize methods to temporarily isolate or divert stream flows from the installation area while maintaining bypass flows or as specified in an executed MATO or LSAA from CDFW.
 - iii. Any and all riparian vegetation, other than commercial species, that is found along watercourses and lakes or that is found within or bordering meadows and wet areas shall be retained and protected during timberland management activities.
- h) Mine tailings and waste rock shall not be disturbed or used as construction materials unless the material(s) has been properly characterized for constituents of concern, particularly mercury, to ensure there will be no adverse impacts to water quality and the beneficial uses; results of such monitoring shall be submitted to the Central Valley Water Board within 15 days of receipt of the results. If mercury or other constituents of concerns are detected which exceed Basin Plan objectives, the material(s) shall not be utilized.
- i) Pursuant to Water Code section 13267, the Discharger shall comply with all the conditions specified in Attachment B, Monitoring and Reporting Program No. R5-2016-0XXX.

Category 3A will be subject to agency, implementation, forensic, and effectiveness monitoring and an annual operations summary.

Category 3B will be subject to agency and effectiveness monitoring.

- j) The Discharger shall notify the Central Valley Water Board in writing at least **15 days** prior to any proposed application of pesticides. The written notification shall include the type(s) of pesticide(s), the proposed date(s) of application, the method(s) of application, the area(s) of application (Plan number and Township/Range/Section), and a description of measures that will be employed to assure compliance with the applicable Basin Plan. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.

- k) Upon completion of timberland management activities, completion of required monitoring, submittal of reports, and cessation of waste discharges (including pesticides), the Discharger shall seek termination of coverage under the Order in accordance with Part V., Termination of Coverage.

For non-expiring Plans (such as NTMPs and WFMPs), the Discharger has the following enrollment/termination options: (1) enroll and terminate with each entry (NTO/Notice), or (2) remain continuously enrolled for the duration of the Plan with an additional requirement to certify in the annual report that discharges associated with timberland management activities for each NTO/Notice area have ceased prior to cessation of monitoring for that entry (see Attachment B, Part V.B.).

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E. Category 4: Watercourse Crossing Work Outside a Plan covered under a CDFW-executed Master Agreement for Timber Operations (MATO) or Lake and Streambed Alteration Agreement (LSAA) on Non-Federal Lands

1. Eligibility Criteria: To be enrolled under this category, activities must meet the following criteria:
 - a) Conducted under a CDFW-executed MATO or LSAA on timber production zoned land pursuant to the conditions listed in Fish and Game Code sections 1600-1616 for replacement/reconstruction of existing watercourse crossings outside of a CAL FIRE approved Plan.
 - b) The CDFW notification/sub-notification or *NOI* incorporates any water quality protective measures identified by Central Valley Water Board staff during office and/or field review of the project.
2. Enrollment Conditions: Dischargers conducting timberland management activities that meet the eligibility criteria for Category 4 listed in Part III.E.1. above must comply with the following conditions to enroll:
 - a) Submit a copy of the CDFW notification to Central Valley Water Board staff concurrent with submittal to CDFW; at a minimum, the notification must be submitted at least **30 days** prior to work commencing. The scope of the notification shall encompass all information required by the applicable MATO or CDFW Form FG2023 for an individual LSAA. The Discharger shall notify the Central Valley Water Board if CDFW declares the notification incomplete or requests additional information.
 - b) Submit a *NOI for Category 4* signed by the timberland/timber owner certifying that the activities meet the criteria and conditions contained in Category 4. Activities may commence once the Central Valley Water Board has notified the Discharger that their *NOI* is complete, or **30 days** following receipt of a *NOI* by the Central Valley Water Board, whichever is sooner.
 - c) The Discharger shall comply with all water quality management practices identified in the CDFW-executed MATO or LSAA and shall provide any amendments/project changes to the Central Valley Water Board for review in a timely manner. The Discharger shall submit a copy of the LSAA and appropriate CEQA documentation to the Central Valley Water Board; a MATO shall only be submitted when requested.
 - d) The Discharger shall notify Central Valley Water Board staff of any scheduled site visit with CDFW staff; Central Valley Water Board staff retains the discretion to require a site visit at any time once work commences.
 - e) Pursuant to Water Code section 13267, the Discharger shall comply with all the conditions specified in Attachment B, Monitoring and Reporting Program No. R5-2016-0XXX.
 - f) Upon completion of watercourse crossing activities, completion of required monitoring, submittal of reports, and cessation of waste discharges, the Discharger shall seek termination of coverage under the Order in accordance with Part V., Termination of Coverage.

F. Category 5: Timberland Management Activities on Federal Lands Managed by the U.S. Forest Service

Category 5A (Post-Fire Activities)

1. Eligibility Criteria: To be enrolled under this category, activities must meet the following criteria:
 - a) Post-fire timberland management activities that have the potential to impact water quality, excluding emergency work conducted during or immediately (within 60 days) after the fire, on federal lands where the U.S. Forest Service has conducted a multi-disciplinary review of the timber harvesting proposal and has specified best management practices and additional control measures as needed, in order to assure compliance with the applicable Basin Plan. Eligible post-fire timberland management activities may include, but are not limited to:
 - i. Fire salvage;
 - ii. Hazard tree removal projects.
 - b) The U.S. Forest Service has provided the Central Valley Water Board all Project documents (including scoping and sales contracts) to allow for adequate review and comment. Any additional management practices and/or water quality protective measures identified by Central Valley Water Board staff during the scoping period and/or enrollment under this Order have been incorporated into the final Project document/contract(s) and/or NOI addendum.
 - c) The U.S. Forest Service has conducted a cumulative watershed effects analysis, where required or appropriate, and included specific measures needed to reduce the potential for cumulative watershed effects (CWEs) in order to assure compliance with the applicable Basin Plan.

Category 5B (All timberland management activities except post-fire activities)

2. Eligibility Criteria: To be enrolled under this category, activities must meet the following criteria:
 - a) Timberland management activities (excluding post-fire activities) on federal lands where the U.S. Forest Service has conducted a multi-disciplinary review of the timber harvesting proposal and has specified best management practices and additional control measures as needed, in order to assure compliance with the applicable Basin Plan. Timberland management activities may include, but are not limited to:
 - i. Timber harvesting sales;
 - ii. Vegetation management and fuels reduction projects (e.g. thinning, prescribed burns);
 - iii. Forest stand improvement and hazard tree removal (excluding hazard tree removal projects that do not pose a threat to water quality (i.e. isolated tree removal in campgrounds, etc.));
 - iv. Pesticide applications associated with E.2.a.i., ii., and iii. above.
 - b) The U.S. Forest Service has provided the Central Valley Water Board all Project documents (including scoping and sales contracts) to allow for adequate review and comment. Any additional management practices and/or water quality protective measures identified by Central Valley Water Board staff during the scoping period and/or enrollment under this Order have been incorporated into the final Project document/contract(s) and/or the NOI addendum.

- c) The U.S. Forest Service has conducted a CWE analysis, where required or appropriate, and included specific measures needed to reduce the potential for CWEs in order to assure compliance with the applicable Basin Plan.
3. Enrollment Conditions: Dischargers conducting activities meeting the eligibility criteria for Category 5A or 5B listed in **Part III.F.1.and F.2.** above must comply with the following conditions:
- a) The U.S. Forest Service shall submit to the Central Valley Water Board copies of final decision documents that contain information documenting compliance with the eligibility criteria above. A copy of applicable final NEPA documents shall be submitted upon written request by Central Valley Water Board staff.
- b) The U.S. Forest Service shall include all specific on-the-ground prescriptions designed to meet the U.S. Forest Service BMPs and all additional management practices and/or water quality protective measures identified by Central Valley Water Board staff within contracts, permits, agreements, and other instruments used to direct the activities of contractors, permittees, U.S. Forest Service personnel, volunteers, and any other third party. In addition, the U.S. Forest Service shall provide copies of this Order to above mentioned parties and notify them of their responsibilities to comply with the Order.
- c) For **Category 5A** (Post-Fire Activities), submit a *NOI for Category 5A and crossing information sheet*, signed by a duly authorized representative, certifying that the activities meet the criteria and conditions for Order Category 5A. Activities may commence once the Central Valley Water Board has notified the Discharger that the NOI is complete, or **15 days** following receipt of a NOI by the Central Valley Water Board, whichever is sooner. Proponents of Projects that were included in a Burned Area Emergency Response (BAER) evaluation may submit the BAER report in-lieu of the Crossing Information Sheet if the report includes all the required crossing information and the Project proponent intends to implement the BAER recommendations.
- d) For **Category 5B**, submit a *NOI for Category 5B*, signed by a duly authorized representative, certifying that the activities meet the criteria and conditions for Order Category 5B. Activities may commence once the Central Valley Water Board has notified the Discharger that the NOI is complete, or **15 days** following receipt of a NOI by the Central Valley Water Board, whichever is sooner.
- e) For approved Projects that require enrollment under the Order, the U.S. Forest Service shall notify the Central Valley Water Board of Project startup each year at least **15 days** prior to start of operations.
- f) For Project areas that were included in an evaluation by a BAER team, submit a copy (electronic or hard) of the BAER report with the *NOI*.
- g) The U.S. Forest Service shall notify the Central Valley Water Board, in writing, at least **15 days prior** to any proposed application of pesticides. The written notification shall include the type of pesticide, the proposed date(s) of application, the method(s) of application, project name, area(s) of application (include map), and a description of measures that will be employed to assure compliance with the applicable Basin Plan.

Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.

- h) The U.S. Forest Service shall comply with all conditions specified in Attachment B, Monitoring and Reporting Program No. R5-2016-0XXX.

Category 5A (post-fire activities) will be subject to specified National Core BMP monitoring protocols that are applicable to the Project and an annual operations summary.

Category 5B will be subject to one National Core BMP monitoring protocol as dictated by Project activities. In addition, an additional National Core BMP monitoring protocol will be required when the Discharger's cumulative watershed effects analysis indicates that the project, combined with other U.S. Forest Service projects conducted in the watershed over the past 10 years, may cause any watershed or sub-watershed to exceed a threshold of concern as determined by various models (i.e., Equivalent Roaded Acres (ERA), Surface Erosion (USLE), Mass Wasting (GEO), etc.).

- i) Upon completion of timberland management activities, completion of required monitoring, submittal of reports, and cessation of waste discharges (including pesticides), the U.S. Forest Service shall seek termination of coverage under the Order in accordance with Part V., Termination of Coverage.

IV. Notice of Intent

To apply for coverage under this Order, the Discharger must submit a timely and complete category-specific Notice of Intent for approval by the Executive Officer.

Non-federal and Federal Projects:

- No Threat of Discharge – *Certification of Notice of Non-Applicability*

Non-federal Projects:

- Category 1 – Automatically Enrolled – no Notice of Intent;
- Category 2A – *Notice of Intent for Category 2A* and Crossing Information Sheet;
- Category 2B, 3A, and 3B – *Notice of Intent for Categories 2B, 3A, and 3B*;
- Category 4 – *Notice of Intent for Category 4*

Federal Projects:

- Category 5A – *Notice of Intent for Category 5A* and Crossing Information Sheet;
- Category 5B – *Notice of Intent for Category 5B*.

V. Termination of Coverage

The following criteria must be satisfied before termination of Order coverage will be considered by the Executive Officer:

- Timberland management activities are completed;
- All Category specific eligibility criteria/conditions were met;
- All elements of required monitoring reporting have been completed;
- Soil disturbed by timberland management activities has stabilized; and
- Pesticide applications have ceased and are not proposed in the foreseeable future.

Non-federal Projects - The Discharger may terminate coverage under this Order by submitting to the Central Valley Water Board a signed Notice of Termination (NOT) and a CAL FIRE-approved final completion RM-71 form (if available and applicable).

Federal Projects - The Discharger may terminate coverage under this Order by submitting to the Central Valley Water Board a NOT signed by the Forest Supervisor or District Ranger.

Non-federal and Federal Projects - In signing the NOT, the Discharger or U.S. Forest Service representative shall certify that: (1) the enrolled Project was conducted in conformance with the approved Plan, accepted CAL FIRE Notice, approved MATO/LSAA, or U.S. Forest Service Project requirements, as well as all applicable eligibility criteria and other applicable provisions of this Order; and (2) discharges resulting from timberland management activities (including pesticide applications) were in compliance and will continue to comply with all requirements of the applicable Basin Plan.

The NOT shall be reviewed for compliance with the above criteria. A field inspection may be conducted to verify compliance with all applicable requirements under this Order. The Central Valley Water Board shall notify the Discharger **within 60 days** following receipt of a NOT of approval or disapproval.

VI. Termination of Order

The Executive Officer shall terminate the applicability of this Order for a Project if any of the following determinations are made:

1. The proposed timberland management activities do not comply with the eligibility criteria for this Order.
2. The timberland management activities are not in compliance with the applicable conditions of this Order.
3. The proposed timberland management activities are reasonably likely to cause or contribute to a violation of an applicable Basin Plan or policy. In making this determination, the Executive Officer shall consider the recommendations of Central Valley Water Board staff that participated in the review of the proposed timberland management activities, if any.
4. A timberland management activity has varied in whole or in any part from the approved Project, unless these changes result in better protection of water quality.

Upon receipt of notice of termination of applicability of the Order, the Discharger shall immediately cease all timberland management activities that may result in discharges to waters of the state, other than activities necessary to control erosion. Before a Discharger may recommence timberland management activities that may result in discharges of waste to waters of the state, the Discharger must follow the applicable procedure either for enrolling under this Order or for obtaining individual waste discharge requirements pursuant to Water Code section 13260. Pursuant to Water Code section 13264, such activities may not recommence unless and until the Discharger receives the applicable notice of coverage under this Order or individual waste discharge requirements from the Executive Officer.

Attachment A

Definitions

1. “Timberland management activities” means commercial activities relating to forest management and timberland conversions, including, but not limited to: cutting or removal of timber and other solid wood forest products; construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, watercourse crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; pesticide applications; site preparation that involves disturbance of soil or burning of vegetation following timberland management activities; but excluding preparatory treemarking, surveying or roadflagging. This definition excludes the cutting and removal of timber and other solid wood forest products for Christmas trees, structure protection (150 and 300 feet), and woody debris and slash removal.
2. “Discharger” means the timberland owner or timber owner and anyone working on behalf of the timberland/timber owner in the conduct of timberland management activities for non-federal lands, and the U.S. Forest Service, private timber operators operating on federal lands, and anyone working on behalf of the U.S. Forest Service or a timber operator in the conduct of timberland management activities on federal lands.
3. “Monitoring” refers to all types of monitoring undertaken in connection with determining water quality conditions and factors that may affect water quality conditions, including but not limited to, implementation, effectiveness, forensic, and Order compliance monitoring undertaken in connection with timberland management activities.
4. “Plan” means any Timber Harvesting Plan (THP), Program Timber Harvesting Plan (PTHP), Nonindustrial Timber Management Plan (NTMP), Working Forest Management Plan (WFMP), Modified Timber Harvesting Plan, or other discretionary permit issued by CAL FIRE to harvest timber, including all substantial deviations thereto that propose a change in timberland management activities that may increase the discharge or otherwise pose the potential for increased impacts to water quality. (For example, substantial deviations that propose to add, expand, or extend winter operations shall be considered a “Plan” for purposes of this Order. Minor deviations that do not propose any material change in how or where timberland management activities will be conducted, such as a change in timber operator, a time extension from CAL FIRE, etc., shall not be considered a “Plan” for purposes of this Order.)
5. “Pesticide” means any substance or combination of substances used as a biocide to eliminate unwanted plants, animals, insects, rodents, and other organisms; includes “herbicides”, “rodenticides”, “insecticides” etc. This definition excludes aquatic pesticide discharges covered under Order No. 2013-0002-DWQ.
6. “Project” means any CAL FIRE Plan, CAL FIRE Emergency/Exemption Notice, or existing watercourse crossing reconstruction not covered under a Plan but conducted pursuant to a CDFW-executed MATO or LSAA for non-federal lands, and any timberland management activities (i.e. timber sales, fuel hazard reduction, forest stand improvement and hazard tree removal) on federal lands.

7. “Watercourse protection zone” means any Watercourse and Lake Protection Zone, Equipment Limitation Zone, and Equipment Exclusion Zone for the protection of waters of the state as defined in California Code of Regulations, title 14, section 895.1 of the California Forest Practice Rules; it also means any Riparian Reserve or Riparian Conservation Area for federal Projects.
8. All other terms shall have the same definitions as defined in California Code of Regulations, title 14, section 895.1 of the California Forest Practice Rules and the Porter-Cologne Water Quality Control Act, unless specified otherwise. A few definitions from the 2015 FPR that are used throughout the Order are cited below for ease of reference:

“Equipment Exclusion Zone” (EEZ) means the area, as explained in the THP, where heavy equipment associated with timber operations is totally excluded for the protection of water quality, the beneficial uses of water, and/or other forest resources.

“Equipment Limitation Zone” (ELZ) means the area, as explained in the THP, where heavy equipment associated with timber operations is limited for the protection of water quality, the beneficial uses of water, and/or other forest resources.

“Hydrologic Disconnection” means the removal of direct routes of drainage or overland flow of road runoff to a watercourse or lake.

“Saturated Soil Conditions” means that soil and/or surface material pore spaces are filled with water to such an extent that runoff is likely to occur. Indicators of saturated soil conditions may include, but are not limited to: (1) areas of ponded water, (2) pumping of fines from the soil or road surfacing material during timber operations, (3) loss of bearing strength resulting in the deflection of soil or road surfaces under a load, such as the creation of wheel ruts, (4) spinning or churning of wheels or tracks that produces a wet slurry, or (5) inadequate traction without blading wet soil or surfacing materials.

“Significant Existing or Potential Erosion Site” (SEPES) means a location where soil erosion is currently, or there are visible physical conditions to indicate soil erosion may be in the future, discharged to watercourses or lakes in quantities that violate Water Quality Requirements or result in significant individual or cumulative adverse impacts to the beneficial uses of water.

“Significant Sediment Discharge” means soil erosion that is currently, or, as determined based upon visible physical conditions, may be in the future, discharged to watercourses or lakes in quantities that violate Water Quality Requirements or result in significant individual or cumulative adverse impacts to the beneficial uses of water. One indicator of a Significant Sediment Discharge is a visible increase in turbidity to receiving Class I, II, III, or IV waters.

“Watercourse and Lake Protection Zone” (WLPZ) means a strip of land, along both sides of a watercourse or around the circumference of a lake or spring, where additional practices may be required for protection of the quality and beneficial uses of water, fish and riparian wildlife habitat, other forest resources and for controlling erosion.