

ITEM: 7

SUBJECT: Conditional Waiver of Waste Discharge Requirements Related to Timber Harvest Activities within the Central Valley Region

BOARD ACTION: *Consideration of Adoption of renewal of waiver*

BACKGROUND: Resolution No. R5-2005-0052, adopted on 28 April 2005 included a comprehensive conditional waiver of waste discharge requirements (Waiver) for numerous timber related activities on both federal and private lands. It also included a comprehensive Monitoring and Reporting Program. The Waiver as adopted by the Central Valley Water Board utilizes existing regulatory programs in place and administered by CALFIRE and the USFS but requires implementation of additional measures (beyond those required by those agencies) where necessary to comply with Basin Plan requirements. The Waiver contains detailed eligibility criteria and conditions specific to the type of timber activity proposed.

In order to qualify for the Waiver, the project applicant must agree to meet all criteria and conditions as well as to conduct and report on the required monitoring. If not, the proposed activity is to be regulated by individual or general WDRs. The Waiver is to expire on 31 March 2010.

There are 5 conditional categories in the Waiver;

- Category 1 is for “de-minimis” activities where the risk of discharge to surface water is minimal.
- Category 2 is for Emergencies and Exemptions (as defined by the Board of Forestry’s Forest Practice Rules) that receive limited review.
- Category 3 is for timber harvest plans (THPs) and non-industrial timber harvest plans (NTMPs) that represent a higher risk of discharge to surface water and that have staff presence in the field.
- Category 4 is for those THPs/NTMPs that would otherwise fit under Category 3 except that staff was unable to provide a field presence during the review process.
- Category 5 is specifically for Federal timber harvest projects.

Staff proposes to require a one-time enrollment fee based on the State Water Board fee schedule, Category 3C, \$1120 +9.5% for all activities currently enrolled in Categories 3 and 4. Staff also proposes to require the same one-time enrollment fee for all new activities that apply for coverage under Categories 3 and 4 of the Waiver.

Staff believes the Waiver is still *"in the public interest"* based on its "proactive" approach and maintains that the Waiver is an effective mechanism for regulating the nearly 2,000 timber harvest projects submitted annually in the Central Valley Region.

ISSUES: The timber industry is supportive of renewing the current Waiver without fees. They contend that any additional fees, in the current economy and log market, may drive some landowners to conduct more intensive land use (such as subdivision and development).

Conservation groups believe that timber harvest activities negatively impact the waters of the state and thus request that the Central Valley Water Board not renew the Waiver and instead pursue other methods of regulating the discharges from timber harvesting activities.

RECOMMENDATION: Adopt the proposed Order, with Attachments A, B and C as revised.

Mgmt. Review \_\_\_\_\_  
Legal Review LSO

18 March 2010  
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