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April 20, 2004

California Regional Water Quality Control Board North Coast Region

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**Arnold
Schwarzenegger**
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Guidance Document

For the
Categorical Waiver for Discharges Related to
Timber Activities on Federal Lands Managed by the
United States Department of Agriculture, Forest Service
in the North Coast Region
Order No. R1-2004-0015

Introduction

On March 24, 2004, the North Coast Regional Water Quality Control Board adopted Order No. R1-2004-0015, Categorical Waiver for Discharges Related to Timber Activities on Federal Lands Managed by the United States Department of Agriculture, Forest Service (USFS) in the North Coast Region. This waiver exempts timber activities conducted on National Forest System Lands from the waste discharge requirements of Article 4 (commencing with Section 13260) of Chapter 4, Division 7 of the California Water Code, except as provided within the waiver. Order No. R1-2004-0015 expires on March 24, 2009.

Activities Covered

Timber Harvest Activities as defined in the Order means all activities on timberland relating to timber harvesting, including the cutting or removal or both of timber and other solid wood forest products, including Christmas trees, from timberlands, together with all the work incidental thereto, including, but not limited to, construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities; but excluding preparatory treemarking, surveying or roadflagging. Also included in this definition are the above activities when performed by the USFS using its own crews, volunteers, inmate crews, etc., and/or service contracts or agreements, without regard to whether timber is to be sold for commercial purposes.

Timber harvest activities on National Forest System lands conducted by the USFS or their contractor pursuant to the following plans, agreement, and law are covered under the Categorical Waiver Order No. R1-2004-0015: (1) "Water Quality Management for National Forest System Lands in California," (2) State Water Resources Control Board/US Forest System Management Agency Agreement, (3) US Forest Service Land and Resource Management Plans, (4) decisions in compliance with the National Environmental Policy Act.

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Please be advised that the commencement of timber harvest activities, including the falling of timber, without coverage under a waiver or waste discharge requirements, may constitute the initiation of a discharge under CWC Section 13264, if supported by factual, site-specific findings. If the Regional Water Board finds that a discharge has in fact been initiated, then enforcement actions pursuant to CWC Section 13265 could be pursued.

Who Should File for Coverage

Any National Forest conducting timber harvest activities on federal lands managed by the USFS within the boundaries of the California Regional Water Quality Control Board, North Coast Region shall file for coverage under the waiver.

USFS timber harvest activities that were authorized to proceed prior to the adoption of this Order and were previously waived under Order R1-2003-0116, can be covered under this Order if they meet the eligibility criteria and comply with the conditions contained within the Order R1-2004-0015.

How to File for Coverage

Prior to commencement of timber harvest activities, the USFS shall, in writing, file with the Regional Water Board a Notice of Intent (NOI), in which the USFS certifies they understand and intend to comply with all criteria and conditions of this Order and applicable water quality regulations. The NOI shall be signed by the Forest Supervisor or their duly authorized USFS representative.

Duration/Termination of Coverage

Once the NOI is received by the Regional Water Board certifying that timber harvest activities comply with the criteria and conditions of the Categorical Waiver, then the timber harvest activities are covered under the Categorical Waiver. The waiver would then remain in effect until one of the following occurs:

- the Categorical Waiver Order No. R1-2004-0015 expires on March 24, 2009; or
- the Regional Water Board adopts revisions to the waiver; or
- there is a change in ownership; or
- the Regional Water Board or its Executive Officer terminates the waiver; or
- the USFS submits to the Regional Water Board, forthwith upon completion of the Project, a final certification signed by the Forest Supervisor or their duly authorized USFS representative, certifying that: (1) the Project was conducted in conformance with all applicable provisions of this Order, and (2) discharges resulting from the Project were in compliance or are expected to comply with all requirements of applicable water quality control plans.

The waiver can be revoked at any time if the Regional Water Board or its Executive Officer determines that the criteria and conditions set forth in the Categorical Waiver are not met.

Where a change in land ownership occurs, the new landowner or authorized representative must apply for coverage under a waiver, general waste discharge requirements, or individual waste discharge requirements with Regional Water Board prior to commencing timber harvest activities.

Contact Information

The Regional Water Board's Timber Harvest Division monitors silvicultural activities on five National Forests within Northern California. The table below lists the name and telephone number of the contact person for each National Forest.

National Forests	Senior/Staff Contact	Phone Number
Klamath, Modoc, Six Rivers, and Shasta/Trinity NF	Mr. Fred Blatt	(707) 576-2800
Mendocino NF	Ms. Christine Wright-Shacklett	(707) 576-2686

The full text of Order No. R1-2004-0015, a guidance document, and pertinent forms may be accessed at the following web address:

<http://www.swrcb.ca.gov/rwqcb1/geninfo/timber/timberwg.html>