

**SUPPLEMENTAL REPORT OF THE 1999-2000 BUDGET ACT
ITEM 0540-001-0001**

**FOREST PRACTICES "DESK REVIEWS"
AND COMPLIANCE ACTIVITIES**

February 2001

INTRODUCTION

The supplemental report language, pursuant to Item 0540-001-0001 sub-item (e) of the 1999-2000 Budget Act, requested that the California Department of Forestry and Fire Protection (CDF), Department of Conservation, Department of Fish and Game, and State Water Resources Control Board (SWRCB): (1) "perform 'desk reviews' of all timber harvesting plans submitted for approval" to indicate "the need for changes in the level of other compliance assurance activities (for example, field reviews)" and (2) "report on the extent to which the Governor's budget addresses those changes." The supplemental report also stated the Legislature's intent that each department: (1) report on whether these desk reviews indicated other review activities (for example, field reviews) were needed; and (2) determine to what extent any additional needed reviews are provided for by their budget.

This report responds to the SWRCB's portion of the supplemental report, and it is based on a survey of the California Regional Water Quality Control Boards (RWQCBs) in the North Coast Region (R1); Central Coast Region (R3); Central Valley Region, Redding and Fresno offices (R5R and R5F); and Lahontan Region (R6) regarding timber harvesting plans (THP) submitted for approval by the CDF. The survey was performed by the SWRCB. This report was prepared by the SWRCB, and it is a companion to the report of the same title submitted by the Resources Agency and its departments.

The Fiscal Year (FY) 1999-2000 Budget included new field personnel for the North Coast RWQCB and the Resources Agency departments to allow more complete participation in the existing interagency THP review process along the North Coast. The North Coast RWQCB is moving ahead toward its goals of conducting an office review of all submitted THPs, participating in preharvest inspections on 25 percent of submitted THPs, and participating in all CDF interagency review team meetings. However, the Central Coast, Central Valley, and Lahontan RWQCBs have been able to conduct such activities on a very small fraction of submitted THPs with their current level of resources.

While the Z'berg-Nejedly Forest Practice Act of 1973 provides the primary regulatory framework for all timber operations on nonfederal lands (as summarized in more detail in the Resources Agency's companion report), the SWRCB and RWQCBs are mandated by the Porter-Cologne Water Quality Control Act and the Federal Clean Water Act to assure that all timber operations comply with applicable water quality

requirements set forth in the State's water quality control plans and policies. RWQCBs participate in the CDF review of THPs and in post-THP activities primarily to assure compliance with applicable water quality requirements (in lieu of regulating timber operations directly under their own authority).

In addition to THP-related activities, there are a variety of important forest activities that are not related to THPs (e.g., participation in CDF review of sustained yield plans, habitat conservation plans, and non-industrial timberland management plans; review of silvicultural pesticide use; review of timberland conversions, review of forest activities on federal lands). It is not possible to evaluate compliance assurance activities for these activities through a desk review of THPs.

PURPOSE

In surveying the RWQCBs in preparation for this report, the SWRCB assumed that: (1) the requested "desk reviews" were designed to determine whether other compliance assurance activities are needed; and (2) "compliance assurance" meant compliance with all applicable legal requirements related to water quality protection, not just the Forest Practice Rules. Therefore, the SWRCB requested that RWQCB staff fill out an extensive survey form for the 325 THPs that had been filed and approved by CDF statewide between September 1, 1999 (when the new R1 forestry staff had largely been hired and trained) and January 31, 2000. The survey was designed to determine the following:

1. The existing level of RWQCB participation in THP-related activities;
2. The effectiveness of RWQCB activities in assuring compliance with applicable water quality requirements; and
3. The level of RWQCB participation in THP-related activities that would be needed to adequately assure that timber operations comply with applicable water quality requirements.

RESULTS

Current Statewide RWQCB Participation in THP-Related Activities

There are two official opportunities for review team agencies to assure that THP timber operations comply with applicable legal requirements. The first opportunity is during THP review, and the second one is during and following the actual timber operation. Table 1 shows the level of typical THP review activities that RWQCB staffs actually performed for the sample THPs. It also shows the level of typical post-THP activities that RWQCB staffs actually had performed or would perform for the sample THP timber operations. Enforcement actions are underrepresented because most of the THP timber operations were not started by the end of the survey period, and future

enforcement actions cannot be anticipated during desk review. Field review would have been needed to more accurately assess the appropriate level and effectiveness of RWQCB activities following THP review.

Table 1. –Current Statewide RWQCB Participation in THP-related Activities

THP-Related Activities		Percentage of Sample THPs
THP Review	Initial Screening	92%
	Additional Office Review	72%
	Attend CDF Preharvest Inspection	19%
	Request More Information	54%
	Independent RWQCB Field Inspection	1%
	Attend 1 st Review Team Meeting(s)	67%
	Attend 2 nd Review Team Meeting(s)	8%
	Submit Nonconcurrency	1%
Post-THP	Inspections During Operations	9%
	Completion/Erosion Control Maintenance Inspections	6%
	Water Quality Monitoring	1%
	Enforcement Actions	3%

Current Effectiveness of RWQCB Participation in THP Review Process

In deciding where to best invest their resources, RWQCB staffs routinely predict the potential impact of proposed THP timber operations during initial screening of submitted THPs and then triage the submitted THPs. The RWQCB survey information indicated that their participation in THP review was associated with a marked decrease in the predicted degree of threat posed by timber operations to the beneficial uses of water (e.g., municipal/domestic water supplies, hydropower, cold-water fisheries, aquatic habitat for species listed as threatened or impaired pursuant to the State or Federal Endangered Species Acts). RWQCB participation in the first review team meeting(s) on a THP and in the preharvest inspection(s) were the activities that contributed most toward reducing predicted water quality impacts and potential violation of water quality requirements.

Preferred Statewide Level of RWQCB Participation in THP-Related Activities

RWQCB staffs indicated those THP review activities that they would have performed to adequately assure compliance with water quality requirements if they were not limited by available resources. RWQCB staff generally wanted to: (1) conduct desk reviews for 80-100 percent of the sample THPs, (2) attend preharvest inspections for 80-90 percent, and (3) attend 80-100 percent of first review team meetings. The desire to attend second review team meeting(s) was more variable among RWQCBs.

During and following THP review, R1, R5F, and R6 wanted to be able to conduct an operational inspection for about 30-40 percent of the sample timber operations. R1 and R6 wanted to be able to conduct a completion/erosion control maintenance inspection on about 60 percent of such operations. These levels are probably also appropriate for the other RWQCBs. The desire to monitor timber operations was highly variable among the Regions; the 10-20 percent range desired by R1 and R5R staffs is probably reasonable for the other RWQCBs. RWQCBs occasionally need to take enforcement actions on timber operations directly under their own authority and/or to provide support to CDF in its enforcement actions. Operational and post-harvest field inspections of timber operations could result in increased enforcement actions for water quality protection.

Table 2 summarizes a level of RWQCB participation in THP-related activities that would provide the preferred level of assurance that THP timber operations would comply with applicable water quality requirements and would not threaten the quality and beneficial uses of water.

Table 2 – Preferred Statewide Level of RWQCB Participation in THP-Related Activities.

THP-related Activities		Percentage of Filed THPs
THP Review	Initial Screening	100%
	Additional Office Review	80%
	Attend CDF Preharvest Inspection	85%
	Request More Information	70%
	RWQCB Field Inspection	10%
	Attend 1 st Review Team Meeting(s)	90%
	Attend 2 nd Review Team Meeting(s)	25%
Post-THP	Inspection During Operations	40%
	Completion/Erosion Control Maintenance Inspection	60%
	Water Quality Monitoring	20%
	Enforcement	5%