California Wildfire Environmental Protection Plan

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Contents

I. Environmental Protection Plan Overview

This document comprises the California Environmental Protection Plan (EPP) to support Phase II Disaster Debris and Hazard Tree Removal activities conducted by the state or local jurisdictions, pursuant to the Governor's Executive Orders (EO) and State of Emergency Proclamations (SOE), collectively, the EOs. The EOs (refer to Exhibit 1.0) may be coupled with Presidential Major Disaster Emergency Declarations by which the Federal Emergency Management Agency (FEMA) will be activated to assist the California Governor's Office of Emergency Services (Cal OES) to administer disaster response and recovery operations.

The EOs suspend State statutes, rules, regulations, and requirements that fall within the jurisdiction of boards, departments, and offices within the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency (CNRA) to the extent necessary for expediting the removal and cleanup of debris from fires or to address other impacts associated with that debris, among other emergency-related activities. **The suspensions and EPP are not self-executing**; a request must be made to the Agency Secretaries and approved before work can begin under the EOs. The emergency suspension authorizations (referred to herein as "Suspension Authorizations" or "Authorizations") are issued separately by Cal EPA and CNRA Secretaries that specify the suspended environmental laws and regulations, and requirements for a set of wildfire recovery activities.

The EOs require that emergency activities going forward under the suspensions be carried out in accordance with a plan that balances expeditious recovery with environmental protection. This EPP forms the basis for each Agency Secretary to authorize Phase II Disaster Debris and Hazard Tree Removal (DDHTR, or Debris Removal) activities conducted by State or local jurisdictions pursuant to the suspensions because it contains Best Management Practices (BMPs) to ensure that required environmental compliance is achieved and streamlined for such activities.

A. Purpose

The purpose of the EPP is to document how the DDHTR activities will be managed to comply with applicable environmental laws and regulations by implementing Post Fire Statewide Best Management Practices (BMPs) developed by Cal EPA, represented by the State Water Resources Control Board and Regional Water Quality Control Boards (Water Boards) and CNRA, represented by California Department of Fish and Wildlife (CDFW) and California Department of Forestry and Fire Prevention (CAL FIRE). In accordance with the EOs and each agency's statutory responsibilities, a document (Section II) was prepared jointly by these resource protection agencies to ensure Debris Removal activities can be expedited and conform to applicable resource laws and regulations.

In addition, this EPP recognizes that other state and federal agencies have regulatory responsibilities for natural and cultural resources within wildfire burn scars, including FEMA. The DDHTR activities as referred to herein, are referred to as Private Property Debris Removal (PPDR) activities by FEMA. Section III has been developed to enable compliance with federal agencies' jurisdictional authority as set forth in either FEMA or Cal OES consultation with federal resource agencies for which Avoidance and Minimization Measures (AMMs) have been defined, respectively, for federally declared or state proclaimed disasters.

This EPP is a living document that may be modified to apply to Debris Removal activities for additional seasonal wildfires; to add BMPs, defined by Cal EPA, CNRA, or other state and bi-state agencies (e.g., Tahoe Regional Planning Agency (TRPA)); or to add AMMs defined by FEMA for federally declared disasters, or by federal resource agencies at the request of Cal OES for state proclaimed disasters.[1]

B. Implementation

The EPP may be implemented by either state or local jurisdictions (e.g., city, towns, counties, or special districts) that have statutory obligations to do so. Entities conducting Debris Removal activities must coordinate with the appropriate Water Boards, CDFW, CAL FIRE, and bi-state agencies, as warranted. When local jurisdictions implement the EPP and conduct DDHTR activities, they must consult with the California Department of Resources Recycling and Recovery (CalRecycle) and Cal OES to ensure that the Suspensions have been authorized by Agency Secretaries, post construction reporting requirements will be undertaken, and contractors undertaking work have appropriate EPP training to do so and that EPP compliance is documented.

When Cal Recycle conducts DDHTR activities, consultation with Cal OES and coordination among responsible local and state jurisdictions is required to ensure that activities adhere to the EPP, which is designed to protect environmental and public health resources during Debris Removal operations. State resource agency contacts are contained in Exhibit 2.0.

C. Regulatory Agency Roles

The federal, state, and local agency roles and responsibilities for administering disaster recovery activities are summarized below.

1. Federal Agencies

The lead agency for federally declared major disasters, such as DR 4619 for the Caldor Fire (a 2021 Statewide Wildfires) is FEMA. Federally declared disasters are administered in accordance with the Robert T Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). FEMA conducts consultations with the U.S. Fish and Wildlife Service (USFWS) and National Oceanographic and Atmospheric Administration (NOOA)

[1] The TRPA is a bi-state agency (California and Nevada) that through the bi-state Tahoe Regional Planning Compact (Compact), reviews all activities undertaken within the Tahoe Basin that potentially affects its environmental quality.

National Marine Fisheries Service (NMFS) to address the application of federal Endangered Species Act Section 7 for Debris Removal activities. Through these consultations, AMMs will be defined to expedite disaster recovery activities for federally declared disasters that are associated with the Governor's EOs. In practice, the AMMs are the federal equivalent of the EPP BMPs and are expected to be based on FEMA's Programmatic Agreements with these agencies for disasters in California and are contained in Section III for reference. In the event that disaster recovery activities are being administered under a state emergency proclamation, the FEMA Programmatic Agreements may be utilized or substituted with disaster specific consultations by state or local agencies.

FEMA is also the lead agency for the National Historic Preservation Act (NHPA) Section 106 consultations for federally declared disasters (e.g., DR 4619) to address the protection of cultural resources and tribal consultations for which there is a Programmatic Agreement between FEMA, Cal OES and SHPO which is also contained in Section III.

2. State Agencies

This EPP is the principal document specifying Post Fire Statewide BMPs and was developed to streamline environmental compliance requirements to expedite disaster recovery in affected counties in accordance with EOs. If an EO does not stipulate that the Governor has suspended certain state statutes, laws, regulations, and requirements, or the agency has not obtained a Suspension Authorization from the CalEPA or CNRA Secretaries, this EPP does not apply and the lead entity for the disaster recovery activities is required to obtain all applicable state agency permits for work on non-federal lands.

If an EO stipulates that certain state statutes, laws, regulations, and requirements are temporarily suspended, and the Suspension Authorization has been granted, the EPP will apply and the lead entity (e.g., Cal Recycle) is obligated to implement it and document compliance with it. The state lead agency for disaster recovery is responsible for obtaining all applicable federal resource agency permits or conducting federal resource agency consultations required for Debris Removal activities on federal lands or *waters of the U.S. (WOTUS)* with the assistance of Cal OES.

3. Local Agencies

This EPP does not apply to Debris Removal activities for which local agency permits may be required for project support facilities, including, but not limited to contractor basecamps; temporary storage, pre-processing, and processing facilities; material laydown areas; temporary heliports and operation yards; and equipment maintenance yards. Local agencies will be responsible for administering the California Environmental Quality Act (CEQA) and California Planning and Zoning Laws when reviewing applications for construction or conditional use permits for these facilities.

Coordination with the local agencies is required to determine their permit requirements.

If an EO stipulates that certain state statutes, laws, regulations, and requirements are temporarily suspended, the EPP may apply, but only after obtaining a Suspension Authorization from the Cal EPA and CNRA Secretaries. The lead entity (e.g., city, town, county, or special district) may elect to implement and document compliance with it to receive public assistance grant funding from Cal OES and/or FEMA. The local agency will be required to request temporary suspensions from the Cal EPA and CNRA Agency Secretaries. Once received the local agency will need to ratify and return the Authorizations to the two agencies prior to work being performed in accordance with the EPP. The local lead agency for disaster recovery is responsible for conducting federal resource agency consultations and obtaining all other applicable federal resource agency permits for required for Debris Removal activities on federal lands or WOTUS in the event assistance in these efforts is not requested of Cal OES.

D. Agency Site Inspections

Any local, state, or federal agency has the right to inspect a project area (any portion of the burn area to which the EPP applies), consistent with a landowner's Fourth Amendment Rights. Rights of Entry (ROE) from private property owners are a prerequisite to a property being eligible for a state or county led Debris Removal program. When received, the disaster Incident Management Team (IMT) will keep the ROEs and record of debris removal activities in an electronic database. The database will be made available to regulatory agencies to understand what work is being conducted in their jurisdictional areas and decide if the activity would require their inspection or oversight.

1. Compliance

Prior to the commencement of Debris Removal activities, a training program will be delivered to contractors and consultants undertaking the work in accordance with. Section II, BMP 1.8 (Exhibit 2.1). Only those contractors and consultants that have completed the training will be allowed to work on active sites to ensure EPP compliance. Failure to comply with the AMMs and BMPs set forth in the EPP, and with any applicable federal and non-suspended state and local environmental laws and regulations, may result in an enforcement action by Cal EPA departments or boards and/or CNRA departments.

A matrix of principal federal and state environmental laws that may apply to the protected resources during Debris Removal activities is presented in Table 1.1 and summarized below. Any projects undertaken in compliance with this EPP must also comply with all applicable statutes, rules, regulations, and requirements not specifically identified as suspended in the relevant Suspension Authorizations.

a. *Federal Laws*

- Clean Water Act (CWA), including but not limited to Section 401 water quality certifications (Water Boards); Section 402 National Pollutant Discharge Elimination System (NPDES) permitting (Water Boards and United States Environmental Protection Agency (USEPA)); Section 404, fill and wetlands (U.S. Army Corps of Engineers (USACE)),
- Endangered Species Act (ESA, e.g., Section 7, USFWS, and the NMFS),
- Magnuson-Stevens Act (MSA), Migratory Bird Treaty Act (USFWS),
- Bald and Golden Eagle Protection Act (USFWS and CDFW),
- National Historic Preservation Act (e.g., Section 106), FEMA, California State Historic Preservation Officer (SHPO), and federally recognized tribes,
- Resource Conservation and Recovery Act (RCRA, e.g., Subtitle D - Non-Hazardous Waste for Timber and BioMass disposal; Subtitle C – Episodic Generator Provision, USEPA),
- National Emission Standards for Hazardous Air Pollutants (NESHAP), and
- National Environmental Policy Act (NEPA, FEMA).

b. *State Laws*

- Porter-Cologne Water Quality Act (California Water Code sections 13000 et seq., Water Boards),
- Endangered Species Act (California Fish and Game Code §2050-2115.5),
- California Fish and Game Code (CFGC) Section 1600 (e.g., Lake and Streambed Alteration Agreement), CDFW),
- California Fully Protected Birds (CFGC Section 3511, CDFW),
- California Migratory Bird Protection Act (CFGC Section 3513, CDFW),
- California Fully Protected Mammals (CFGC Section 4700, CDFW),
- California Fully Protected Reptiles and Amphibians (CFGC Section 5050, CDFW),
- California Fully Protected Fish (CFGC Section 5515, CDFW),
- California Clean Air Act (CCAA),
- California Native American, Historical, Cultural and Sacred Sites Act ('Sacred Sites Act', SHPO, and FEMA/Cal OES Tribal Liaison),
- E.O. B 10-11 (California Native Tribal Consultation),
- AB-52, Gatto. Native Americans CEQA Consultation,
- Z'berg-Nejedly Forest Practice Act (2022 California Forest Practice Rules (FPR), CAL FIRE)
- Native Plant Protection Act (CFGC Section 1900 et seq., CDFW), and
- Airborne Toxic Control Measure (ATCM) of 2007

Table 1.1 – Principal State and Federal Environmental Laws

	California Laws and Responsible Agencies			**Federal Laws and Responsible Agencies**		
Questions		**Yes**	**No**		**Yes**	**No**
	Clean Air Act - CARB/ AQMD			**Clean Air Act - US EPA**		
1	*Are there point and non-point sources?*	☐	☐	*Are there point and non-point sources?*	☐	☐
2	*Will friable hazardous or non-hazardous waste be transported that could become airborne?*	☐	☐	*Will friable hazardous or non-hazardous waste be transported that could become airborne?*	☐	☐
	Porter-Cologne Water Quality Act and FGC §1600 - SWRCB/RWQCB/CDFW			**Clean Water Act - USEPA and USACE**		
3	*Will be the potential for discharges to surface waters?*	☐	☐	*Will be the potential for discharges to surface waters?*	☐	☐
4	*What surface waters (including Waters of the State, or, U.S., or "wetlands" may need abatement/protection?*	☐	☐	*Will surface waters (including Waters of the U.S., or "wetlands") need abatement/protection?*	☐	☐
5	*Will action modify, divert, or obstruct existing surface waters?*	☐	☐	*Will action modify, divert, or obstruct existing surface waters?*	☐	☐
6	*Have potable water sources been or will be impacted?*	☐	☐	*Have potable water sources been or will be impacted?*	☐	☐
7	*Will action require bank stabilization, bridge, or culvert?*	☐	☐	*Will action require bank stabilization, bridge, or culvert?*	☐	☐
8	*Will action require repair, replacement of structure or fill adjacent to surface waters?*	☐	☐	*Will action require repair, replacement of structure or fill adjacent to surface waters?*	☐	☐

	Endangered Species Act/ California Fish and Game Code - CDFW			**Endangered Species Act - USFWS/ NMFS**		
Questions		**Yes**	**No**		**Yes**	**No**
9	*Will action require removal of riparian vegetation?*	☐	☐	*Will action require removal of riparian vegetation?*	☐	☐
10	*Will action affect protected fish and wildlife and/or habitats?*	☐	☐	*Will action affect protected terrestrial or aquatic species and/or habitats?*	☐	☐
11	*Are there wildlife enhancement, attraction, or harvesting devices are included in the action?*	☐	☐	*Are there wildlife enhancement, attraction, or harvesting devices are included in the action?*	☐	☐
	Migratory Bird Protection Act - CDFW			**Migratory Bird Treaty Act/ Bald and Golden Eagle Protection Act - USFWS**		
12	*Will action affect protected avian species and/or habitats?*	☐	☐	*Will action affect protected avian species and/or habitats?*	☐	☐
	California Superfund - DTSC/ Cal Recycle			**Resource Conservation and Recovery Act - USEPA**		
13	*Will hazardous (e.g., chemical) or non-hazardous (e.g., vegetative debris) waste be removed?*	☐	☐	*Will hazardous (e.g., chemical) or non-hazardous (e.g., vegetative debris) waste be removed?*	☐	☐
	Forest Practice Act (Non-Federal Lands) - CAL FIRE			**National Forest Practices Act (Federal lands) - USDA/USNFS**		
14	*Will disaster-impacted trees be removed using a Timber Harvest Plan (THP) or Forest Practice Exemption??*	☐	☐	*Will disaster-impacted trees be removed using a Timber Harvest Plan?*	☐	☐

	California Native American Historic Resources Protection Act -NAHC			National Historic Preservation Act - FEMA/SHPO		
Questions		**Yes**	**No**		**Yes**	**No**
15	*Do archaeological or cultural resources, relics, or human remains exist or could they be disturbed?*	☐	☐	*Do archaeological or cultural resources, relics, or human remains exist or could they be disturbed?*	☐	☐
16	*Not Applicable, refer to federal law/agencies question.*	☐	☐	*Are structures 50 years old or older impacted?*	☐	☐
	California Coastal Act - CCC			**Coastal Zone Management Act**		
17	*Is the action located in the California Coastal Zone?*	☐	☐	*Is the action in the California Coastal Zone and is a Certificate of Consistency required?*	☐	☐
	California Environmental Quality Act - State and Local Agencies			**National Environmental Policy Act - Federal Agencies**		
18	*Does the action qualify for Statutory Exemption (Emergency Project, CEQA 15269)? Submit Notice of Exemption (per CEQA 15062).*	☐	☐	*Does the action qualify for a Categorical Exclusion? The CEQ list of Federal Agencies' Categorical Exclusions which is accessible from the following link: https://ceq.doe.gov/nepa-practice/categorical-exclusions.html*	☐	☐
20	*Does the action have significant Effects on the Environment (submit CEQA documents)?*	☐	☐	*Does the action have significant Effects on the Environment (submit NEPA documents)?*	☐	☐

Note: Blue line indicates variations in state and federal laws.

Exhibit 1.0: Wildfire Executive Orders and Emergency Proclamations

II. State Resource Agency Best Management Practices

This section comprises the Best Management Practices (BMPs) developed by the:

- California Environmental Protection Agency (Cal EPA)
  - State Water Resources Control Board and Regional Water Quality Control Boards (Water Boards)
- California Natural Resources Agency (CNRA)
  - Department of Fish and Wildlife (CDFW) and
  - Department of Forestry and Fire Protection (CAL FIRE).

Each BMP is numbered and followed by information in parentheses that identifies which agency or agencies should be contacted if there are questions about that BMP. Water Boards is abbreviated WB, and the California Department of Fish and Wildlife is abbreviated CDFW. Definitions for italicized terms in the EPP BMPs may be found in Exhibit 2.2.

A Quick Reference Guide is provided to help identify which sections of the EPP apply to specific activities. Please refer to Table 2.1 of the Quick Reference Guide, Part 1 to see which sections of the EPP apply, and Table 2.2 Quick Reference Guide, Part 2 to see what the titles of the BMPs in each section are, to help determine BMP applicability. It should be noted that even where the California Forest Practice Rules do not apply because timber operations are not being conducted, in certain instances specified in the EPP the Forest Practice Rule standards will be relied upon to ensure resource protection. Questions should be directed to the appropriate state resource agency contacts who are identified in Exhibit 2.0

Table 2.1: Quick Reference Guide, Part 1 – Environmental Protection Plan Provisions

DDHTR or PPDR Activity	1. Project Planning BMPs	2. Pollution Prevention & Equipment Storage	3. Sediment & Erosion Control	4. Vegetation and Tree Removal	5. Watercourse Crossing and Bank Stabilization	6. Water Drafting and In-Water Work	7. Drinking Water Operations Coordination	8. Fish and Wildlife Protection
Watercourse Crossing above ordinary high-water mark	X	X	X		X	X		X
Ford Crossings	X	X	X		X	X		X
Construction, Maintenance, and/or Use of Forest Roads, Skids Trails, Landings	X	X	X	X	X			X
Work within Watercourse and Lake Protection Zone	X	X	X		X	X		X

DDHTR or PPDR Activity	1. Project Planning BMPs	2. Pollution Prevention & Equipment Storage	3. Sediment & Erosion Control	4. Vegetation and Tree Removal	5. Watercourse Crossing and Bank Stabilization	6. Water Drafting and In-Water Work	7. Drinking Water Operations Coordination	8. Fish and Wildlife Protection
Staging Area Development	X	X	X	X	X		X	X
Hazardous and Non-Hazardous Waste Generating Activities	X	X	X					X
Equipment Operation, Maintenance, Fueling	X	X						
Tree Felling and Removal	X	X	X	X		X		X
Structural Debris Removal	X	X	X				X	X
Water Drafting	X	X	X			X	X	X

Table 2.2: Quick Reference Guide, Part 2- Environmental Protection Plan by Section

Section 1 – Project Planning

1.1 (WB & CDFW) In-Water Work Federal Compliance

1.2 (WB) Federal Clean Water Act Permitting

- 1.2.1 Construction Stormwater Permit Coverage
- 1.2.2 Industrial Stormwater Permit Coverage

1.3 (WB & CDFW) Spill Response Plan

1.4 (WB & CDFW) Consultation

1.5 (CDFW) Qualified Biologist

1.6 (WB & CDFW) Site Assessments

- 1.6.1 (CDFW) Fire-Specific Measures
- 1.6.2 (CDFW) Sensitive Habitats and Land Types

1.7 (WB & CDFW) Watercourse Classification

1.8 (WB & CDFW) Pre-Project Education

1.9 (WB & CDFW) Reasonable Access for Inspection

Section 2 – Pollution Prevention and Equipment Storage

2.1 (WB) Non-Degradation

2.2 (WB & CDFW) Hazardous Materials

2.3 (CDFW) Invasive Species Prevention

2.4 (WB & CDFW) Sawdust and other non-hazardous wastes

2.5 (WB & CDFW) Debris and Trash Management

2.6 (WB & CDFW) Trenching / Excavation /Grading Spoils

2.7 (WB & CDFW) Operating Equipment and Vehicle Leaks

2.8 (WB & CDFW) Equipment Maintenance and Fueling

2.9 (WB & CDFW) Pesticides

Section 3 – Sediment and Erosion Control

3.1 (WB & CDFW) Sediment and Erosion Control Measures

3.2 (WB) Ground disturbance and creation of areas bare of vegetation

3.3 (WB & CDFW) Long-Term Erosion Control

3.4 (WB & CDFW) Saturated Soil Conditions

3.5 (WB & CDFW) Adequate Erosion Control Materials Onsite

3.6 (WB) BMP Implementation Inspection

Table 2.2: Quick Reference Guide, Part 2- Environmental Protection Plan by Section (cont.)

3.7 (WB) Road Maintenance

3.8 (WB & CDFW) Road and Landing Construction

3.9 (WB & CDFW) Stabilize and Inspect Decommissioned/Deactivated and Abandoned Roads

3.11 (WB) Drop Inlets

Section 4 – Vegetation and Tree Removal

4.1 (CDFW) Special-Status Botanical Species

4.2 (WB & CDFW) Vegetation Removal

4.3 (WB & CDFW) Revegetation Requirements

4.4 (WB & CDFW) Commercial and Non-Commercial Tree Removal

4.5 (WB & CDFW) Tree Retention

Section 5 – Watercourse Crossing and Bank Stabilization

5.1 (WB & CDFW) New Permanent Watercourse Crossings

5.2 (WB & CDFW) Temporary Watercourse Crossings

5.3 (WB & CDFW) Temporary Crossing Fill Materials

5.4 (WB) Damaged Watercourse Crossing Structures

5.5 (WB & CDFW) Watercourse Bank Stabilization

5.6 (WB & CDFW) Removal of Watercourse Crossings

Section 6 – Water Drafting and In-Water Work

6.1 (WB & CDFW) Use of Low Water Crossings and/or Fords

6.2 (WB & CDFW) Water Drafting

Section 7 – Drinking Water Operations Coordination

7.1 (WB) Coordination

7.2 (WB) Coordination with area involved water systems

7.3 (WB) Use of Water

7.4 (WB) Water Meters

7.5 (WB) Damage to Water Facilities

7.6 (WB) Temporary Debris Storage

7.7 (WB) Water System Infrastructure

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Table 2.2: Quick Reference Guide, Part 2- Environmental Protection Plan by Section (cont.)

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9.2 Notice of Emergency Operations (CCR 1052):

9.3 Location and Classification of All Watercourses:

9.4 In Lieu Practices

Section 1: Project Planning

1.1 (WB & CDFW) In-Water Work Federal Compliance: When project activities will require working within watercourses, installing temporary access through watercourses, and/or removal or placement of materials within the bed, bank, or channel of watercourses, the project proponent must ensure they are complying with federal notification and permitting requirements.

1.2 (WB) Federal Clean Water Act Permitting: Construction and operation of staging areas and processing sites may require Construction General Permit (CGP) and/or Industrial General Permit (IGP) Stormwater Permits issued by the appropriate Regional Water Board. Permit type and permitting requirements are determined based on site-specific characteristics and proposed use. Work requiring coverage under waste discharge requirements, or a water quality certification issued by the Water Boards that is not otherwise within the scope of an approved Agency Secretary Environmental Suspension may not begin until such coverage is obtained. National Pollution Discharge Elimination System (NPDES) permitting requirements cannot be suspended and may apply to debris or hazard tree removal activities. Please contact the appropriate Regional Water Board to determine CGP and IGP applicability.

1.2.1 CGP Coverage: Coverage under the State Water Resources Control Board's General Permit for Discharges of Stormwater Associated with Construction Activity, Order 2009-0009-DWQ (Construction General Permit, CGP) is required when a project creates a soil disturbance of one acre or more. Coverage is also required for projects with less than one acre of soil disturbance that are part of a larger plan of development that collectively disturbs one acre or more. Construction activity that may be subject to this permit includes clearing, grading, grubbing, or excavation, but does not include routine maintenance activities performed to restore the original line, grade, or capacity of a facility. Road construction activities that expose the underlying soil or erodible subgrade is not considered routine maintenance and may be subject to enrollment in the CGP.

1.2.2 IGP Coverage: Coverage under the State Water Resources Control Board's General Permit for Stormwater Discharges Associated with Industrial Activities, Order 2014-0057-DWQ (Industrial General Permit, IGP) may be required when a project includes certain industrial activities. In the case of post-fire debris removal and hazard tree removal, these could include but are not limited to:

- Scrap and waste materials storage;
- Sorting and handling of soil, concrete, metals, vehicles, wood, and vegetation;
- Log storage and handling associated with chipping, grinding, or sawmilling; and
- Maintenance of vehicles and equipment.

1.3 (WB & CDFW) Spill Response Plan: Prior to the start of project activities, a spill response plan should be prepared that identifies how hazardous materials will be stored and removed from the site, and the actions to be taken in the event of spill of concrete, petroleum products, sediment, or other hazardous material. The plan should:

- Reference the California State Oil Spill Contingency Plan
- Identify the steps to be followed in the event of a spill
- Have clear instructions on immediate reporting
- Identify the emergency response materials which will be kept at the project site to allow the rapid containment and clean-up of any spilled material

If a spill occurs, notifications should be made within 48 hours to the Regional Water Board and CDFW contacts (See Attachment 5) in addition to the following contacts:

- California State Warning Center - (800) 852-7550 or (916) 845-8911.
- Federal – National Response Center - (800) 424-8802 or (202) 267-2675.
- Local Government - 911 or other designated local number.

1.4 (WB & CDFW) Consultation: It is imperative to consult with the Water Boards and CDFW early in the site assessment phase to ensure certain planned activities will be in compliance with the EPP and:

- Are within the scope of the EPP.
- Will have adequate water quality BMPs in use.
- Will have adequate habitat and species-specific Performance Measures for the project.

Consultation means at minimum, notification of planned activities through the SmartSheets system or other notification method. A meeting to calibrate consultation needs should occur during the site assessment phase.

If project activities will occur in or near sensitive habitat, project proponent should consult with the CDFW Contact and the qualified biologist or Task Force Leader (TFL) to ensure the habitat is clearly marked and avoided during project activities. If aspects of the project may cause impacts to sensitive habitat(s), such as waterbodies that contain anadromous fish species or a domestic or municipal water supply, then all feasible measures should be taken to avoid such impacts. Please reach out to the appropriate Regional Water Board and CDFW Contact as necessary to consider feasible project alternatives and/or environmental impact avoidance measures.

1.5 (CDFW) Qualified Biologist: When selecting a qualified biologist, the biologist should hold a wildlife biology, botany, ecology, forestry, or other relevant degree from an accredited university and: 1) be knowledgeable in relevant

species life histories and ecology, 2) be able to correctly identify relevant species and habitats, 3) have experience conducting field surveys of relevant species or resources, 4) be knowledgeable about survey protocols, 5) be knowledgeable about state and federal laws regarding the protection of special-status species, and 6) have experience with CDFW's California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS). The project proponent will review the resume and ensure the above qualifications of the biologist are met prior to beginning work. If species-specific protocol surveys are performed, surveys will be conducted by the qualified biologist with the minimum qualifications required by the appropriated protocols, including having CDFW or USFWS approval to conduct such surveys if required by certain protocols. If the size of the project warrants more than one qualified biologist, one of the qualified biologists should be designated the lead qualified biologist and be the primary point of contact for the biological elements of the project.

1.6 (WB & CDFW) Site Assessments: During the initial site assessments conducted by Cal OES, CalRecycle, and its contractors, or the county and its contractors, the task force leader (TFL) or other qualified persons should survey the project area using the site assessment checklist (See Exhibit 2.3) to identify things to include but not limited to where work within the watercourse and lake protection zone (WLPZ) may occur, the location of any watercourses, 100-year floodplains, and staging areas, where operators plan to cross a watercourse, how many times they estimate they will cross, and what method of crossing will be used.

Additionally, the qualified biologist or TFL should survey the project area to identify if wildlife resources are present, and then determine if CESA-listed or special-status fish, wildlife, or plant species are active on the site. If wildlife resources such as nests, nest cavities, roosts, roost trees, or dens are present, the qualified biologist should determine if those resources are actively being used. When project activities are proposed within the wetted portion of a watercourse or lake margin, the qualified biologist or TFL should survey the area prior to the start of project activities to determine if aquatic, terrestrial or amphibian wildlife resources, such as reeds or spawning gravel beds, are present within proposed watercourse crossings and may be impacted by project activities. When fish and wildlife resources within the project area are actively being used, the qualified biologist or TFL should refer to Section 8 on how to proceed.

1.6.1 (CDFW) Fire-Specific Measures: During the site assessment the Operations Chief, Debris Group Supervisor, or their designee should reference the most current version of Exhibit 2.4 CDFW 2024 Wildfires Habitats and Special Status Species Impacted by Fire Name, Watershed, and County, and CDFW Species-Specific Measures. This document contains fire-specific habitat and species impact information and additional species-specific BMPs for use during project activities. Contact the appropriate CDFW Contact for the most current version.

1.6.2 (CDFW) Sensitive Habitats and Land Types: During the site assessment sensitive habitats and land types should be identified in consultation with the qualified biologist and by referencing the most current version of Exhibit 2.2. Before the start of project deployment, the project site should be visually inspected for wet meadows, vernal pools, areas with biological crusts, pebble plains, quartz deposits (in arid habitats), desert pavement, etc. These areas are extremely sensitive to any disturbance including foot traffic and should be marked with exclusion fencing or similar methods and avoided.

If project logistics necessitate entry into these habitat types, consultation between the CDFW Contact and the Operations Chief, Debris Group Supervisor, or designee for additional site-specific measures should occur prior to any entry into those habitats. Additional measures could include, but are not limited to, seasonal avoidance, transplanting, and reseeding.

1.7 (WB & CDFW) Watercourse Classification: Where the CAL FIRE Forest Practice Rules do not apply, the Watercourse and Lake Protection Zone (WLPZ) classifications and minimum width standards excerpted from the FPRs in the table below will nevertheless be utilized under this EPP. Please refer to Table 1 below to designate a WLPZ width for each side of a classified watercourse in those project areas in which watercourses are identified during site assessments.

Table 2.3: Watercourse and Lake Protection Zone (WLPZ) where FPRs do not apply

Water Class Characteristic for Use in Classification	Domestic water source or fish always or seasonally present	Fish always or seasonally present within 1,000 feet downstream and/or aquatic habitat for non-fish aquatic species	No aquatic life present. Watercourse capable of sediment transport to Class I and II waters under normal high water flow conditions	Man-made watercourse
Slope (Percent)	**Class I**	**Class II**	**Class III**	**Class IV**
<30	75 feet	50 feet	50 feet	50 feet
30-50	100 feet	75 feet	75 feet	75 feet
>50	150 feet	100 feet	100 feet	100 feet

1.8 (WB & CDFW) Pre-Project Education: There should be a pre-project training program for all employees, contractors, and personnel working within the

project site prior to performing any work. The program should be approved by the agency representatives and consist of a presentation from a qualified person that includes a discussion of:

- What the EPP is, what it represents, and how to use the EPP,
- Consequences for not acting in compliance with the EPP and all applicable statutes and regulations,
- What nonpoint source pollution (NPS) is, and how the different recovery activities can create NPS pollution if not properly mitigated,
- What properly executed BMPs look like while conducting these activities,
- Definitions of "Waters of the United States," "Waters of the State," and other relevant terms that may need to be defined,
- The Federal Clean Water Act NPDES permitting and US Army Corps of Engineers 404 permitting, and when it may be required,
- The biology of the habitats and special-status species identified during the site assessments as present or that have the potential to be present on the project site,
- Information about the distribution and habitat needs of any special-status species that may be present and project-specific protective measures included in the EPP, and
- How a site should look before being signed off and returned.

When new employees, contractors, and personnel are deployed mid-project the pre-project education will be given prior to the new employees, contractors, and personnel prior to beginning work on-site. Interpretation should be provided for non-English speaking employees, contractors, or personnel prior to their performing any work at the project site. A handout that summarizes the education program including guidance documents and graphics should be provided to the contractors.

1.9 (WB & CDFW) Reasonable Access for Inspection: Reasonable access to the property should be provided whenever requested by California Water Boards and/or CDFW staff for the purpose of performing inspections and conducting monitoring, including sample collection, measuring, and photographing/taping to determine proper implementation of management practices as described in the Environmental Protection Plan. Management practices and water quality protective measures recommended by Regional Water Board or CDFW staff as a result of such inspections should be incorporated into the project where feasible and appropriate.

Section 2: Pollution Prevention and Equipment Storage

2.1 (WB) Non-Degradation: Neither this Environmental Protection Plan (EPP) or the Secretarial Suspension authorizes activities that will cause or threaten to cause discharges of waste to waters of the state in a manner that creates pollution.

2.2 (WB & CDFW) Hazardous Substance: Materials such as debris, ash, rubbish, creosote-treated wood products, raw cement/concrete, or washings thereof, asphalt, pesticides, paint or other coating material, petroleum products, and batteries can be hazardous to aquatic life, wildlife, or riparian habitat. Hazardous substances associated with project related activities should be handled, transported, and stored in a manner that prevents materials from contaminating underlying soils and/or entering any watercourse by either being removed daily or stored in watertight containers onsite until removed. *Hazardous substances* should not be stored in floodplains.

2.3 (CDFW) Invasive Species Prevention. All contractors should follow guidelines in the California Invasive Plant Council's Preventing the Spread of Invasive Plants: Best Management Practices for Land Managers (Cal-IPC 2012) (https://www.cal-ipc.org/docs/bmps/dd9jwo1ml8vttq9527zjhek99qr/BMPLandManager.pdf) to prevent the spread of invasive plant species. Equipment should be cleaned of material that may harbor invasive plant seeds or invasive pests before starting a new project in a different watershed or fire boundary. This material includes soil or plant seeds on construction equipment, tools, boots, and clothing.

2.4 (WB & CDFW) Sawdust and other non-hazardous wastes: Sawdust, soil, silt, clay, rock, felled trees, slash, bark, and ash should be controlled in such a manner that it does not enter a watercourse in amounts that could adversely impact water quality and/or aquatic resources and, where feasible, should not be stored within 25 feet of a watercourse, or within a *floodplain*.

2.5 (WB & CDFW) Debris and Trash Management: No litter, raw materials or waste and construction debris should be deposited within or next to a watercourse bed, bank, or channel or lake margin, within a *floodplain*, or anywhere it may pass into a watercourse or lake. All raw construction materials and waste debris from the project site following the completion of work should be removed as soon as possible. All trash cans and dumpsters should remain covered except when in use and covered at the end of each workday, and food waste should be removed daily to avoid attracting wildlife to the project site.

2.6 (WB & CDFW) Trenching / Excavation /Grading Spoils: As required by an applicable permit, castings or spoils from the trenching / excavation operations should be placed in a location where it cannot enter a watercourse and will have erosion control measures applied.

2.7 (WB & CDFW) Operating Equipment and Vehicle Leaks: Equipment should not be stored within a WLPZ or a *floodplain*, to the extent feasible. Any equipment or vehicles driven, operated, or otherwise adjacent to a WLPZ, *floodplain*, or

riparian habitat should be checked and maintained daily to prevent leaks of materials that could be harmful to aquatic life or riparian habitat. Stationary equipment such as motors, pumps, generators, and welders, located in or adjacent to the stream/lake should be positioned over drip pans.

2.8 WB & CDFW) Equipment Maintenance and Fueling: All equipment maintenance, fueling, and storage should occur in staging, storage, or parking areas. No equipment maintenance, fueling or storage will occur within or adjacent to, any watercourse channel, wetland, floodplain, or lake margin where petroleum products or other pollutants from the equipment may be mobilized by stormwater runoff or otherwise enter these areas.

2.9 (WB & CDFW) Pesticides: Use of any type of *pesticides* is prohibited.

Section 3: Sediment and Erosion Control

3.1 (WB & CDFW) Sediment and Erosion Control Measures [Note: Forest Practice Rule (FPR) standards for timing of erosion control structure installation apply as specified below]: Biodegradable sediment and erosion control measures will be utilized throughout all phases of operation where soil, trenching spoils and casting, and sediment runoff from work areas threatens to enter receiving waters. Erosion control structures should be installed on all constructed skid trails and tractor roads and other applicable work areas prior to the end of the day if the U.S. Weather Service forecast is a "chance" (30% or more) of rain before the next day, and prior to weekend or other shutdown periods per FPRs 914.7, 934.7, 954.7 (c)(2). Additionally, sediment and erosion control BMPs should be inspected (before and after the event) and repaired, upgraded, and maintained to prevent sediment-laden runoff. Maintenance includes, but is not limited to:

- Checking for trapped or entangled fish and wildlife,
- Removal of accumulated sediment, and
- Replacement of damaged silt fencing, compost socks, coir logs, coir rolls, and/or straw bale dikes.

Modifications, repairs, and improvements should be made to the sediment and erosion control measures whenever warranted. Materials used in the sediment barriers should not pose an entanglement risk to fish or wildlife (e.g., plastic monofilament netting).

Where vegetation cannot reasonably be expected to become established and erosion control measures are intended for more than one season (more than three months), the materials used should consist of biodegradable materials. For example, tacked-down jute erosion control blankets, coconut fiber matting, and other soil stabilization methods should be used. Broadcast straw and chipped mulch is acceptable on soil with less than 10% slope and in areas that are not exposed to wind and must be applied so the layer remains intact long enough for vegetation to become established.

3.2 (WB) Ground disturbance and creation of areas bare of vegetation: Work should be planned to minimize ground disturbance activities and to prevent discharge of sediment to receiving waters. Generally, where ground disturbance is larger than one acre, a Stormwater Construction General Permit may be required; see BMP 1.2 above.

3.3 (WB & CDFW) Long-Term Erosion Control: Incorporate long-term erosion control measures such as water breaks, rolling dips, bio-filtration strips, and biodegradable wattles to the maximum extent feasible to hydrologically disconnect drainage features from receiving waters. This includes but is not limited to any work sites, staging areas, processing areas, logging/hazard tree removal operations areas, and/or roads and trails used during operations.

3.4 (WB & CDFW) Saturated Soil Conditions: Operations will be limited or halted when *saturated soil conditions* are present as determined by the Operations Chief or RPF. Per Forest Practice Rules (FPR) section 895.1 definitions, "*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:

- Areas of ponded water,
- Pumping of fine soil particles from the soil or road surfacing material during Timber Operations,
- Loss of bearing strength resulting in the deflection of soil or road surfaces under a load, such as the creation of wheel ruts,
- Spinning or churning of wheels or tracks that produces a wet slurry, and
- Inadequate traction without blading wet soil or surfacing materials.

Where FPRs do not apply, FPR standards identified in these BMPs apply under this EPP and operations should still be limited or halted in *saturated soil* conditions as defined Exhibit 2.2, EPP Definitions, because working in saturated soils has the potential to create *significant sediment discharge*.

3.5 (WB & CDFW) Adequate Erosion Control Materials Onsite: Prior to any ground disturbing work at a project site, erosion control materials (such as, fiber rolls, bonded fiber matrix, erosion control mats, soil tackifiers) should be stockpiled on site in a nearby staging area. These materials should be protected from the elements while they are stored at staging areas.

3.6 (WB) BMP Implementation Inspection: Prior to completing operations at a project site and returning the right-of-entry, a BMP implementation inspection should occur in project areas with erosion potential and sediment discharge potential, and the final site walk checklist should be completed (see Exhibit 2.5).

An implementation inspection consists of detailed visual inspections to verify BMPs are properly applied in accordance with EPP measures, and that any

water quality protective measures identified by Water Boards staff during site inspections were properly implemented.

3.7 (WB) Road Maintenance [Note: Forest Practice Rule standards apply as specified]: During operations, road running surfaces in the project area should be treated as necessary to prevent excessive dust and loss of road surface materials by implementing methods including but not limited to, rocking, watering, paving, chemically treating, or installing commercial erosion control devices to manufacturer's specification. Please refer to FPRs 923.7, 943.7, 963.7(c).

3.8 (WB & CDFW) Road and Landing Construction [Note: Forest Practice Rule standards apply as specified]: Per FPRs 923.4, 943.4, 963.4, roads and landings should be hydrologically disconnected from watercourses and lakes to the extent feasible to minimize sediment delivery from road runoff and reduce the potential for hydrologic changes. To the extent feasible, roads and landings should **not** be constructed:

- Within 150 feet of a Class I Watercourse,
- Within 100 feet of a Class II Watercourse on slopes of greater than 30%,
- Within any WLPZ, and
- Within marshes, wet meadows, and other wet areas.

If a road or landing must be built in one of these areas, notification to the appropriate Regional Water Board contact should be made during the site assessment phase of operations.

Temporary roads should be restored to pre-operation conditions upon completion of work, and permanent roads should be properly stabilized and/or decommissioned. Please refer to BMP 3.9 (below).

3.9 (WB & CDFW) Stabilize and Inspect Decommissioned/Deactivated and Abandoned Roads: Decommissioning/deactivation/abandonment of roads should be conducted in a manner that ensures stabilization and a return to its previous state. If the National Weather Service Forecast is a "chance" (30% or more) of rain within the next 24 hours, sediment and erosion control structures should be installed before sunset and inspected after the rain event.

Areas exhibiting erosion with the potential to transport sediment to receiving waters should be repaired with applicable BMPs, unless reentering the site would cause greater damage than leaving the ineffective stabilization measures. If repairs are made, they should be inspected following any precipitation event which lead to soils becoming saturated and producing runoff.

Barricades should be constructed at all points of access to the decommissioned, deactivated, or abandoned road to effectively prevent use by any passenger vehicle, off road vehicle or other equipment.

3.11 (WB) Drop Inlets: Protect drop inlet structures near work areas. Drop inlets should be protected with an appropriately sized inlet filter bag or other BMPs that prevent sediment from entering the drop inlet. The drop inlet BMPs should be inspected and maintained on a frequent basis.

Section 4: Vegetation and Tree Removal

4.1 (CDFW) Special-Status Botanical Species. Avoid impacts to rare plant species by identifying areas with rare plants during the appropriate blooming season and establishing work season buffers. If rare, threatened, or endangered plant species are found during operations a 10-foot radius equipment exclusion buffer should be placed around the population. If trees are to be harvested within the buffer, trees should be felled away from the core plant populations if feasible. If avoidance is not possible, the Operations Chief, Debris Group Supervisor, or designee should consult with the CDFW Contact for additional site-specific measures.

4.2 (WB & CDFW) Vegetation Removal: Disturbance or removal of vegetation should be kept to the minimum necessary to complete project related activities. All trimmed or cleared material and/or vegetation should be either removed from the area or deposited where it cannot re-enter the watercourse or lake margin.

4.3 (WB & CDFW) Revegetation Requirements: If required because of agency consultation, or by an applicable Construction Stormwater permit, disturbed areas should be revegetated with native species suitable to the restoration activity; an example when this may be required is when decommissioning an access road leading to a temporary crossing. (See NMFS-9b, Attachment 3).

4.4 (WB & CDFW) Commercial and Non-Commercial Tree Removal [Note: Forest Practice Rules apply as specified]: Trees being removed for commercial purposes must adhere to the FPRs, and project proponents should consult with a Registered Professional Forester (RPF). Please see the FPR 895.1 definitions for commercial species.

Trees being removed for non-commercial purposes should be evaluated by a certified arborist or RPF. The evaluation should determine the viability of trees marked for removal before tree removal activities begin. If possible, retain large snags, trees with basal hollows or cavities, trees with limbs greater than 6-inches in diameter, old-growth trees, stand-alone granary trees, or other trees with features providing valuable habitat where no immediate risk to public safety and/or infrastructure exists.

To the fullest extent possible and with due consideration given to topography, lean of trees, landings, utility lines, local obstructions, and safety factors, as further described in FPR sections 914.1, 934.1, and/or 954.1, trees should be felled in a manner that avoids bridging watercourses unless approved by the appropriate Regional Water Board and CDFW as part of an approved aquatic habitat restoration project; approved as an in-lieu practice in an Emergency

Notice (FPR section 1051) by CAL FIRE; and, with concurrence of the appropriate Regional Board, CDFW, and CAL FIRE, where access to both sides of a watercourse does not exist, and/or where potential impacts to a WLPZ would be minimized through cross-falling of trees.

In the event trees cannot be jacked and/or pulled away from a watercourse, they are not part of a habitat restoration project, and cross-falling has been approved, the felled tree(s) and any associated debris and soil deposited in the channel should be removed as soon as possible, and disturbed soils stabilized through appropriate measures thereafter.

CDFW and the Regional Water Boards should be consulted when questions arise about work in habitats with *anadromous fish* that deviates from the general prescriptions of the EPP; CDFW should be contacted when questions arise regarding potential impacts to listed or other wildlife habitat features.

4.5 (WB & CDFW) Tree Retention [Forest Practice Rule standards apply as specified]: For both commercial and non-commercial tree removal, trees within the riparian zone that are not deemed a hazard to public safety and/or infrastructure should be retained in areas with anadromous salmonid habitat to the maximum extent practicable to support future natural recruitment and add to the aquatic habitat complexity. Operators should comply with FPR sections 916.4, 936.4, 956.4 for watercourse and lake protection; and 916.9, 936.9, and/or 956.9 for protection of watercourses in watersheds with listed anadromous salmonids. Please consult with the appropriate Regional Water Board, CDFW, and CAL FIRE contacts if there are questions about tree retention within or adjacent to salmonid habitats.

Section 5: Watercourse Crossing and Bank Stabilization

[Note: Forest Practice Rule standards apply as specified.]

5.1 (WB & CDFW) New Permanent Watercourse Crossings: These BMPs are not intended to be utilized for permanent replacement of watercourse crossings and other in-water infrastructure, such as culverts, that have been destroyed. Contractors should consult with the US Army Corps of Engineers, CDFW, and appropriate Regional Water Board before any new permanent watercourse crossing, staging area, or processing area is constructed, or when an existing watercourse crossing requires repair, in or adjacent to a Water of the United States and/or Waters of the State.

Should construction of permanent watercourse crossings be necessary, the contractor should consult with the appropriate Regional Water Board and CDFW in advance to develop a strategy for compliance with non-Suspension Authorization regulatory requirements. At a minimum, permanent watercourse crossings should be designed and constructed to accommodate the estimated 100-year flood flow, including debris and sediment loads (considerations are outlined in FPR sections 923.9, 943.9, 963.9, and Designing Watercourse Crossings

for Passage of 100-Year Flood Flows, Wood, and Sediment (Updated 2017 by Cafferata et al).

5.2 (WB and CDFW) Temporary Watercourse Crossings: If an existing or temporary watercourse crossing must be used, the crossing site should be clearly marked with signage or flagging, and sediment and erosion control methods should be implemented to minimize impacts within the WLPZ.

As feasible, *temporary watercourse crossings* should be installed and removed outside of the winter period, installed, and used when water is not flowing, and removed and stabilized immediately after debris and/or hazard tree removal work has been completed. In the event a temporary watercourse crossing must be used during the winter period it should either be designed and constructed to accommodate the estimated 100-year flood flow, including debris and sediment loads, or should be removed prior to sunset if the National Weather Service Forecast is a "chance" (30% or more) of rain within the next 24 hours.

All bare mineral soil exposed in conjunction with crossing construction, deconstruction, maintenance, or repair, should be treated for erosion immediately upon completion of the crossing work, and prior to the onset of precipitation capable of generating runoff. Erosion control BMPs should be used to stabilize the approaches and banks of the watercourse. If the site is seeded, native species or a sterile seed mix and mulch should be used to the extent feasible.

The site should also be inspected for fish, wildlife, and special-status plant species prior to use. When fish and/or wildlife is found within the crossing location, refer to BMP 8.4 on how to proceed. No temporary crossings should be constructed where flow and aquatic species passage is obstructed during the period of use.

5.3 (WB & CDFW) Temporary Crossing Fill Materials: To minimize turbidity or siltation in receiving waters, temporary crossings should be constructed with washed 2–6-inch pit run rock, screened river gravels, washed 2-inch plus rock or gravel, and/or logs in fill materials whenever feasible. Bridge abutments below the ordinary high-water mark should be rock. Where a temporary crossing using fill material is removed, the channel shape and gradient should be returned to pre-project condition and stabilized to the extent feasible; any adjacent bare soil should be stabilized by mulching or other effective method.

5.4 (WB) Damaged Watercourse Crossing Structures: Culverts or other watercourse crossing structures damaged by the contractor to such an extent as to impair functionality should be repaired or replaced expeditiously; metal culverts are preferred over plastic culverts. The contractor should notify the appropriate Regional Water Board before initiating repairs as certain design standards or permitting requirements may apply.

5.5 (WB & CDFW) Watercourse Bank Stabilization: All bare soil exposed in conjunction with watercourse crossing construction, deconstruction,

maintenance, or repair, should be treated with sediment and erosion control measures immediately upon completion of work on the crossing, and prior to the onset of precipitation capable of generating runoff. Bank stabilization features should be constructed with suitable non-erodible materials that should be installed to withstand wash out during high flows. Bank stabilization materials should extend above the ordinary high- water mark. Only wildlife-friendly, 100 percent biodegradable erosion and sediment control products that will not entrap or harm wildlife should be used. Erosion and sediment control products should not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. Rock riprap and bank armoring should only be done in consultation and with prior approval from the US Army Corps of Engineers, CDFW, or the appropriate Regional Water Board. Bioengineering, conducted primarily using native vegetation and minimal rock, should be the preferred bank stabilization methodology. Only clean materials that are free of trash, debris and not deleterious to aquatic life should be used in bank stabilization. Use of materials containing asphalt and/or concrete is prohibited. At no time should bank stabilization methods incorporate grouting.

5.6 (WB & CDFW) Removal of Watercourse Crossings: All materials used in constructing temporary watercourse crossings should be removed once the project is complete. During crossing removal, all fill material should be excavated in a manner that recreates the natural channel grade and orientation, leaving a channel bed that is as wide as or slightly wider than the original watercourse. If it must be wider than the original watercourse, it should be kept as close to the original width as feasible. All excavated materials should be placed at a stable location that will prevent future discharge(s) of materials to a watercourse.

Section 6: Water Drafting and In-Water Work

[Forest Practice Rule standards apply as specified.]

6.1 (WB) Use of Low Water Crossings and/or Fords: *Low* water crossings are temporary in nature, often installed to provide summer vehicle traffic typically across larger perennial streams and small rivers during low flows. Fords are watercourse crossings where vehicles drive on the bed of the watercourse channel (i.e., no man placed fill in or on the streambed). If operations will require the installation of a new low water crossing, please refer to BMPs 5.2 and 5.3 for temporary crossing installation. If operations will make use of an existing low water crossing, ensure that the crossing is properly stabilized before use, and appropriate sediment and erosion control measures are used.

If operations require the use of a ford with flowing water present, then consultation with the Regional Board is required. To expedite the consultation process, for all crossings the following information should be included in the workplans and available for Regional Board review:

- Classification of watercourse (I, II, III, IV),

- Number of times contractors anticipate they will cross,
- *Beneficial uses*, Total Maximum Daily Loads (TMDLs), and/or Clean Water Act Section 303d listing for impaired water bodies,
- Description of mitigation measures developed to prevent the discharge of sediment, earthen materials, and petroleum byproducts, and
- Description of stabilization measures to be used post-operations to restore watercourse as close as feasible to natural state.

Regional Board staff will review the information and provide recommendations to minimize and reduce impacts to Waters of the State and associated *beneficial uses*. If TMDLs and/or 303d listings are present, additional mitigation measures may be required. Additional information on low water crossing design can be found in the Pacific Watershed Associates' Handbook for Forest, Ranch, and Rural Roads. Federal regulations may still apply in Waters of the United States, to include US Army Corps of Engineers, NOAA National Marine Fisheries Service (NMFS), and US Fish and Wildlife Service.

6.2 (WB & CDFW) Water Drafting: Water drafting operations should be conducted so as not to dewater a watercourse. Water truck operators should be aware of current flow conditions, and water drafting should not occur if there is not adequate flow or if downstream reaches have the potential to be dewatered from drafting activities. Water drafting sites should:

- Ensure water drafting trucks parked on streambeds, *floodplains*, or within a WLPZ use drip pans or other devices such as adsorbent pads or absorbent blankets, sheet barriers or other materials as needed to prevent soil and water contamination from motor oil or hydraulic fluid leaks. See FPR 943.7 (l)(3)(D).
- Include appropriate BMPs to prevent sediment discharge from disturbed areas, vehicle tracking, or overtopping to receiving waters.
- Be clearly marked with signage or flagging, and sediment and erosion control methods to minimize impacts within the WLPZ.
- Ensure pump intakes are screened to prevent entrapment of aquatic species.
- Be inspected for fish, wildlife, and special-status plant species prior to performing water drafting activities. When fish and/or wildlife is found within the water drafting site, refer to BMP 8.4 on how to proceed.
- When water pumped from the project site is turbid, the outflow should be disposed of in a manner that prevents drainage directly into a watercourse. Examples are a settling area, Baker tank, silt bag, or upland area where the turbid water is allowed to settle and filter back into the soil and not through surface flow.

- Be decommissioned by removing the erosion control methods and returning the project site to baseline conditions.

Section 7: Drinking Water Operations Coordination

7.1 (WB) Coordination: Coordinate with State Water Board's Division of Drinking Water staff and area involved water systems for work performed in areas where drinking water infrastructure exists.

7.2 (WB) Coordination with area involved water systems: All activities necessitating the use of area water, such as, and not limited to dust suppression, cleaning, washing, sweeping, and irrigation, should be coordinated with the area involved water system to avoid any potential conflicts. All activities that may affect, impede, or impact the ability of the area involved water system from executing their duties should be coordinated with the area involved water system to avoid any potential conflicts.

7.3 (WB) Use of Water: Water from the project area involved water system should be conducted such that low operational pressures should be avoided. Low operational water system pressures can risk public health and result in the issuance of unsafe water alerts – boil water notice, or other. Coordinate with the area involved water system as to where to connect for water service as well as the rate of use and the equipment to use.

7.4 (WB) Water Meters: If and as required, local permits should be obtained, and use of water meters should be implemented. Contact the local jurisdiction to verify this requirement – City, County, area-involved water system.

7.5 (WB) Damage to Water Facilities. Any digging, debris removal, earth or soil work, or excavation can result in damage to water facilities including waterlines. Coordinate with the area involved water system so to understand where the water facilities, such as waterlines, are located to avoid these conflicts. The water service to the defunct locations may need to be shut off at the meter to prevent uncontrolled loss of water and water pressure. The area involved water system may need to shut-of the utility service valve and pull the meter, severing the connection to the customer line. Service connections should be staked painted blue to maintain visibility for any crews working in the area.

7.6 (WB) Temporary Debris Storage: Placement of debris piles may impede area involved water system access to their waterlines and facilities. Coordinate with area involved water system over the proper location of placement of debris materials and waste to avoid placing debris atop water system facilities and appurtenances.

7.5 (WB) Water System Infrastructure: Area involved water systems may be conducting restorative activities, such as, but not limited to, flushing waterlines, repairing water facilities, and replacing water facilities. Staging of materials, equipment and machinery may impede area involved water system access to

their waterlines and facilities. Coordinate with area involved water system over the proper location of staging of materials, equipment, and machinery.

Section 8: Fish and Wildlife Protection BMPs

8.1 (CDFW) Construction Monitoring. When assigned to the project, the qualified biologist will either be on-site or be available to arrive on site within a reasonable amount of time (one to two hours) during all project activities. Should a project site have CESA-listed species that may be impacted during operations and the qualified biologist cannot be present on-site, either the Operations Chief, Debris Group Supervisor, or their designee with training in application of BMPs may oversee project activities. At a minimum, the designated construction monitor should have attended the on-site education training and daily clearance survey.

8.2 (CDFW) Daily Clearance Survey: Before the start of daily project activities, the qualified biologist or designated construction monitor should survey the project area to ensure no new active nests, nest cavities, roosts, or dens have become established, including surveying any excavated areas within the project area to ensure trapped wildlife are allowed an opportunity to escape. This includes inspecting around and inside any open-ended pipes or infrastructure elements stored on the project site that will be moved or utilized during project activities.

8.3 (CDFW) Escape Ramp in Trench: At the end of each workday, an escape ramp should be placed at each end of any open excavation to allow wildlife that may become trapped to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees and has enough traction to allow wildlife to escape.

8.4 (CDFW) Detection of Wildlife: When wildlife is encountered during project activities, the wildlife should be allowed to leave the project area unharmed. If any CESA-listed wildlife is encountered, the qualified biologist or designated construction monitor should be notified, and the detection reported to the CDFW Contact by the Operations Chief, Debris Group Supervisor, or designee. If the wildlife is discovered to be caught in any pits, ditches, or other types of excavations, the qualified biologist should evaluate if it is unable to escape on its own, and if not, then the qualified biologist should capture and release it outside the project area into the most suitable habitat near the project area. Project activities should not be ceased if the observed wildlife is birds flying over or through the project area. If cessation of project activities due to detection of fish and/or wildlife would result in a clear and imminent danger to life or equipment, immediate action to prevent or mitigate loss of, or damage to, life, health, or equipment should be prioritized.

8.4.1 When detected wildlife is a wildlife habitat element, such as active nests, dens, roosts, roost trees, nest cavities and/or other wildlife habitat elements a buffer should be established between ongoing project activities and the detection site

so the wildlife are not disturbed, and it can be identified to species. The buffer should be delineated by temporary fencing or markers and remain in effect throughout project activities or until active nests, dens, roosts, roost trees, and/or nest cavity is/are no longer active, as determined by the qualified biologist. The buffer(s) should be determined by the qualified biologist and based on the life history of the species detected, including their sensitivity to noise, vibration, ambient levels of human activity and general disturbance, the current site conditions (screening vegetation, terrain, etc.), and the various project-related activities necessary to implement the project. If feasible, consider leaving some larger diameter snags and/or downed logs nearby that may provide food source and shelter for wildlife.

8.4.1.1 Raptor Detections: Raptor breeding season varies with geographic location and elevation, but generally occurs between February and August. When project activities during that timeframe include removal of trees, the trees marked for removal should be evaluated for evidence of raptor roosting, perching, feeding, or nesting. When detected and if possible, those trees should be retained. If an active raptor nest is discovered, a ¼ mile disturbance-free buffer around the nest should be established until the qualified biologist or CDFW Cal OES contact determines the nest has failed or the young have fledged.

8.4.1.2 Arboreal Mammal Detections: If a stick house, nest, occupied tree cavity, or similar habitat feature is found in the project area, the qualified biologist should install a 50-foot buffer around those features to avoid impacts from project activities. If project activities within the excluded area are unavoidable, activities within the buffer should occur under the direct supervision of the qualified biologist. In the event the habitat feature cannot be avoided, consultation with the CDFW Cal OES contact should occur to determine if the habitat feature is currently occupied. If the habitat feature is determined to be occupied, and avoidance of impacts cannot be achieved with a timing shift of project activities, the qualified biologist and CDFW Cal OES contact should collaborate on a relocation plan for the feature and adult wildlife. If it is determined the habitat feature is occupied and has a nest with young, the habitat feature should be avoided until the qualified biologist determines the young have matured and either left the nest or are sufficiently mature enough to be captured and relocated.

8.4.1.3 Ground-dwelling Mammal Detections: Project activities should avoid damage to mammal burrows and dens if possible. If burrows and dens cannot be avoided the qualified biologist should identify and flag all active mammal burrows and dens within the project area and establish a 50-foot no-disturbance buffer until the qualified biologist determines the burrow or den is not in use. If excavation activities must occur in areas where burrows cannot be avoided, excavation and grading should occur under the supervision of the qualified biologist using 6-inch lifts to avoid take.

8.4.1.4 Tree Removal with Active Bat Roost: When a tree with an active bat roost is selected for removal, the tree should be removed using a two-step removal process. The limbs of the tree should be removed and left on the ground while the trunk is left in place during the first day, and during the following day the trunk should be removed. This process will allow the bats the opportunity to vacate the roost during the night prior to the trunk removal.

8.4.1.5 Rock Outcrops and Downed Logs: When rock outcroppings and downed logs that may provide shelter for wildlife are present within the project area, a buffer should be installed to exclude the feature from the area where active work is being performed. If downed logs and/or boulders must be removed, the qualified biologist with a designated construction monitor should survey the area prior to the start of removal activities to prevent wildlife mortality to the extent possible.

8.4.2 When detected wildlife is determined to be a CESA-listed species or evidence of their active presence is identified, the detection site should be buffered and all project activities at and immediately adjacent to the detection site should cease until consultation between the Operations Chief, Debris Group Supervisor, or designee and the CDFW Contact occurs.

8.4.3 When detected wildlife is determined to not be a CESA-listed species and a buffer is not feasible while allowing work to continue, and the species is not protected by federal regulations, the qualified biologist may attempt to safely capture and relocate the wildlife according to the following applicable measure(s).

8.5 (CDFW) Amphibian Detections: If an amphibian is observed within the project area and it cannot leave of its own volition, all work within the immediate area (50 feet) should stop, all equipment powered off and work should not continue until the qualified biologist can relocate it according to Measure 8.1.3 above.

8.6 (CDFW) Snake Avoidance. Any exclusion fencing surrounding the project area should include maintaining a clearing of the vegetation within one meter on the side of the fence away from the project area at a maximum height of four inches, with the intention that vegetation will not allow a snake to pass over the exclusion fencing. If a snake species of any kind is observed within the exclusionary fencing during project activities, then all work within the immediate area (200 feet) should halt and should not continue until the snake species can be identified by the qualified biologist, captured, and removed from the project area.

8.7 (CDFW) Trout and Salmon/Anadromous salmonids: When project activities must be conducted within or adjacent to watercourses that have the potential to support anadromous salmonids, consultation with the qualified biologist and the CDFW Cal OES contact should occur during the project planning phase to ensure habitat features essential to anadromous salmonids are retained. These features include but may not be limited to properly placed and sized in-stream

large woody debris, gravel beds consisting of gravel between 5.4 and 78 mm in diameter used for spawning, erosion controls on banks that have experienced high vegetation loss, in-stream pools with high structural complexity, and riparian vegetation. Project activities should avoid dewatering or sedimentation within these essential habitat elements.

If in-water project activities must occur during seasonal movement periods of anadromous salmonids (including sensitive life cycle stages such as spawning, eggs, alevins, fry), typically June 15 through October 15, installation, maintenance, and removal of temporary in-water structures should be avoided if possible. If not possible, installation, maintenance, and removal of temporary in-water structures should only occur under the direct observance of a qualified fish biologist following the measures in Sections 5, 6, and 8, and BMP 1.6.1.

8.8 (CDFW) Non-anadromous Fish: When project activities must be conducted within or adjacent to current and historical watercourse with the potential to support non-anadromous fish with CESA protections, consultation with the qualified biologist and the CDFW Cal OES contact should occur during the project planning phase to ensure habitat features essential to the species are retained. These features can include, but are not limited to, amount of flow and temperature of water through the project site, historical and potential spawning habitat, in-water cover element such as large boulders, large woody debris, in-stream pools with high structural complexity, and riparian vegetation. Project activities should avoid dewatering or sedimentation within these essential habitat elements.

If in-water project activities must occur, installation, maintenance, and removal of temporary in-water structures should be avoided. Where temporary in-water structures are unavoidable, installation, maintenance, and removal should only occur under the direct observance of a qualified fish biologist following the measures in Sections 5, 6, and 8, and BMP 1.6.1.

8.9 (CDFW) In-Water Work Wildlife Protection: When project activities include water diversion and dewatering that will impact native fish, amphibians, reptiles, and other aquatic wildlife, the following measures apply:

8.9.1 Stranded Aquatic Wildlife: The daily clearance surveys should include a check for stranded aquatic life as the water level in the dewatered area is maintained. All reasonable efforts should be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, bucket, and by hand. When these methods are not possible, the CDFW Contact may approve the use of electrofishing in lieu of the above methods.

8.9.2 Timing of Initial Aquatic Wildlife Relocation: If feasible, the qualified biologist should perform initial aquatic wildlife relocation efforts several days prior to the start of active project activities. This provides the qualified biologist an

opportunity to return to the work area and perform additional captures immediately prior to active project activities.

8.9.3 Relocation of Stranded Aquatic Wildlife: If found within the dewatered area, and not able to leave on their own, the qualified biologist should capture and relocate all native fish, amphibians, and other aquatic wildlife immediately. Measures should be taken to avoid harm and mortality resulting from relocation activities, as follows:

8.9.3.1 Release Locations Criteria: Prior to beginning dewatering activities, the most appropriate release location(s) for expected aquatic wildlife should be determined by the qualified biologist using the following criteria: water temperature should be similar to the capture location; there should be ample habitat for the relocated wildlife; relocation areas should be in proximity to the site, not be affected by project activities, and be free of exotic predatory species (i.e., bullfrogs, crayfish) to the best of the qualified biologist's knowledge. When amphibian egg masses are found, the qualified biologist should make every attempt to wait until the egg masses hatch to transport them. There should be a low likelihood for the animals to re-enter the project site or become impinged on exclusion structures or water intake screening.

8.9.3.2 Relocated Fish Records: Relocated aquatic wildlife should be moved to the release location determined by the qualified biologist. A record should be maintained of all relocated wildlife. The record should include the date of capture and relocation, the method of capture, the location of the relocation site in relation to the project site, and the number and species of wildlife captured and relocated. The record should be provided to CDFW within two weeks of the completion of project activities.

8.9.3.3 Wet Hands and Nets: Handling of aquatic wildlife within the project site should be minimized. However, when handling is necessary, the qualified biologist conducting the handling should always remove topical products from hands such as insect repellant and sunblock, and wet hands or nets prior to touching the wildlife.

8.9.3.4 Water Temperatures and Water Changes: The qualified biologist should measure air and water temperatures periodically. A thermometer should be placed in holding containers and, if necessary, periodically conduct partial water changes to maintain a stable water temperature. If water temperature reaches or exceeds 21 °C, or 2 degrees higher than ambient water temperature, aquatic wildlife should be released, and relocation operations ceased unless temperatures can be maintained at a safe level. If deemed necessary, the qualified biologist may use a water additive, such as stress coat, to aid during capture and handling.

8.9.3.5 Proper Holding Technique: Holding containers should be sized such that adult wildlife will fit without touching the sides. The qualified biologist should

temporarily hold aquatic wildlife in cool, shaded, aerated water in a bucket, insulated cooler, flow-through live car or similar setup. The qualified biologist should protect aquatic wildlife from jostling and noise and should not remove the wildlife from this container until time of release.

8.9.3.6 No Overcrowding: Overcrowding in containers should be avoided by having at least two containers and segregating species of wildlife, young-of-year, or juveniles, and wildlife from larger age-classes to avoid predation. If wildlife in the dewatered area is abundant, the capturing should stop periodically, as each captured group is released at the predetermined locations.

8.9.3.7 Relocate During Cool Temperatures: Where possible the qualified biologist should conduct collection and relocation activities in the morning or evening when the temperatures are cooler.

8.9.4 Mortality Rate of Aquatic Wildlife: If mortality during relocation exceeds more than a total of three aquatic wildlife individuals, capturing efforts should be stopped and the qualified biologist should immediately consult with the CDFW Contact.

Section 9: Forest Practice Rules

The California Department of Forestry and Fire Protection (CAL FIRE) administers the Z'berg-Nejedly Forest Practice Act (2022 California Forest Practice Rules (FPR)) for non-federal timberlands. The removal of hazardous trees is an integral part of the Debris Removal Activities for which the following FPR BMPs will apply.

In addition, a portion of the Forest Practice Rule requirements for cultural resource protection and documentation (contained in Exhibit 2.5) was suspended for the 2020 Statewide Wildfires to remove duplicate requirements for federally declared disasters. For local or state proclaimed disasters, such Forest Practice Rule requirements for cultural resource protection and documentation are not suspended. CAL FIRE Contacts are contained in Exhibit 6.1b.

9.1 Licensed Timber Operator: The Licensed Timber Operator (LTO) will comply with the Forest Practice Rules.

9.2 Notice of Emergency Operations (CCR 1052): Where applicable, if construction of new road is necessary, a Notice of Emergency Operations (CCR 1052) will be submitted to CAL FIRE and any required permitting from the appropriate RWQCB (as applicable to the specific property) will be obtained.

9.3 Location and Classification of All Watercourses: The Registered Professional Forester (RPF) or a supervised designee will identify the classification of all water courses and flag the WLPZ.

9.4 In Lieu Practices: If in lieu practices (exceptions to rules or alternative practices are not specifically suspended) are determined to be necessary, a Notice of Emergency Operations (CCR 1052) will be submitted to CAL FIRE

Exhibit 2.0: State Resource Agency Contacts

Refer to Attachments

Exhibit 2.1 - Suggested Training for Contractors

Best Management Practices (BMPs) and Avoidance and Minimization Measures

- How to properly install, maintain, and remove BMPs and AMMs
- How to properly store BMPs in staging areas to prevent degradation
- When it is appropriate to use each type of BMP and AMM
- When certain BMPs and AMMs are NOT appropriate to use, and others must be used
- What effective site stabilization and BMP and AMM applications should look like before a property is signed off and returned to the county or landowner
- Provide examples of common scenarios for debris only, hazard tree only, and full program for the bullets above

Environmental Protection Plan

- How it is structured
- How to use the quick reference guide
- How to find contact information and communication protocols
- Consultation needs with resource protection agencies
- Provide an overview of any attachments

Checklists

- What the site assessment and final site walk checklists are
- When they must be used
- How to use them (especially if they are in a Field Maps or Survey 1,2,3 platform)

Other Topics

- Federal requirements that are not suspended (e.g., CWA §404 and §402)
- Differences between Federally declared disasters and State-Only disasters
- Briefly highlight and provide links/handouts for reference materials to aid in work planning and operations, e.g., the Pacific Watershed Associates Rural Roads Handbook

Exhibit 2.2 - EPP Definitions

100-year floodplain includes areas determined based on delineations completed or approved by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, or an individual qualified to make floodplain delineations. These areas include land adjacent to waterbodies that extend to the outer perimeter of lands which experience flooding or are inundated with water during 100-year flood events.

Anadromous Fish are fish, such as native salmon (e.g., Chinook salmon, coho salmon, etc.) and ocean-run trout (e.g., steelhead and cutthroat trout) which spawn in fresh water and spend a portion of their lives in the ocean. *Fish and Game Code (FGC) Division 0.5, Chapter 1, Section 14.*

Anadromous Salmonid Protection Rules are a section of the California Forest Practice Rules (14 CCR, §916.9) that provide specific regulatory requirements and protection measures beyond the standard rules, for watersheds that contain anadromous salmonids.

Beneficial Uses of the waters of the state that may be protected against degradation include, but are not limited to, domestic, municipal, agricultural, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. *Water Code (WC) Division 7, Chapter 2, Section 13050(f)*.

Best Management Practice means a practice, or combination of practices, that are intended to prevent or reduce environmental impacts, including but not limited to pollution prevention practices, erosion and sediment control measures, or implementation of modern construction design standards.

California Forest Practice Rules are meant to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act.

Commercial Species (Hazard Tree Removal) means distinct species in each Forest District found in group A and those in group B that are found on lands where the species in group A are now growing naturally or have grown naturally in the recorded past. See FPR Section 895.1, Definitions, for a full list for each Forest District.

Dewatering a Watercourse means removal or draining of groundwater or surface water from a streambed by pumping or other methods.

Domestic or Municipal Water Supply means groundwater or surface water that provides drinking water either via wells or water treatment systems.

Fords are watercourse crossings where vehicles drive on the bed of the channel (i.e., no man placed fill in or on the streambed).

Hazardous Material means a material listed in paragraph (2) of the California Health and Safety Code (HSC) that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or environment, or a material specified in an ordinance adopted pursuant to paragraph (3) of the HSC. Hazardous materials include all the following:

- A substance or product for which the manufacturer or producer is required to prepare a material safety data sheet pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.
- A substance listed as a radioactive material in Appendix B of Part 30 (commencing with Section 30.1) of Title 10 of the Code of Federal Regulations, as maintained and updated by the United States Nuclear Regulatory Commission.
- A substance listed pursuant to Title 49 of the Code of Federal Regulations.
- A substance listed in Section 339 of Title 8 of the California Code of Regulations.
- A material listed as a hazardous waste, as defined by HSC Sections 25115, 25117, and 25316.

Hazardous Substances means either of the following *(per WC Division 7, Chapter 2, Section 13050(p)(1)):*

A. For discharge to surface waters, any substance determined to be a hazardous substance pursuant to Section 311(b)(2) of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

B. For discharge to groundwater, any substance listed as a hazardous waste or hazardous material pursuant to Section 25140 of the Health and Safety Code, without regard to whether the substance is intended to be used, reused, or discarded, except that "hazardous substance" does not include any substance excluded from Section 311(b)(2) of the Federal Water Pollution Control Act because it is within the scope of Section 311(a)(1) of that act.

Hydrologic Disconnection means the removal of direct routes of drainage or overland flow of road runoff to a watercourse or lake (FPR section 895.1). See Figure 1 below, excerpted from the Pacific Watershed Forest, Ranch, and Rural Roads Handbook and also found in Technical Rule Addendum No. 5 of the Forest Practice Rules (http://www.pacificwatershed.com/sites/default/files/5_-_chapter_4_-_road_and_stream_crossing_design.pdf).

Figure 1: Hydrologic Disconnections

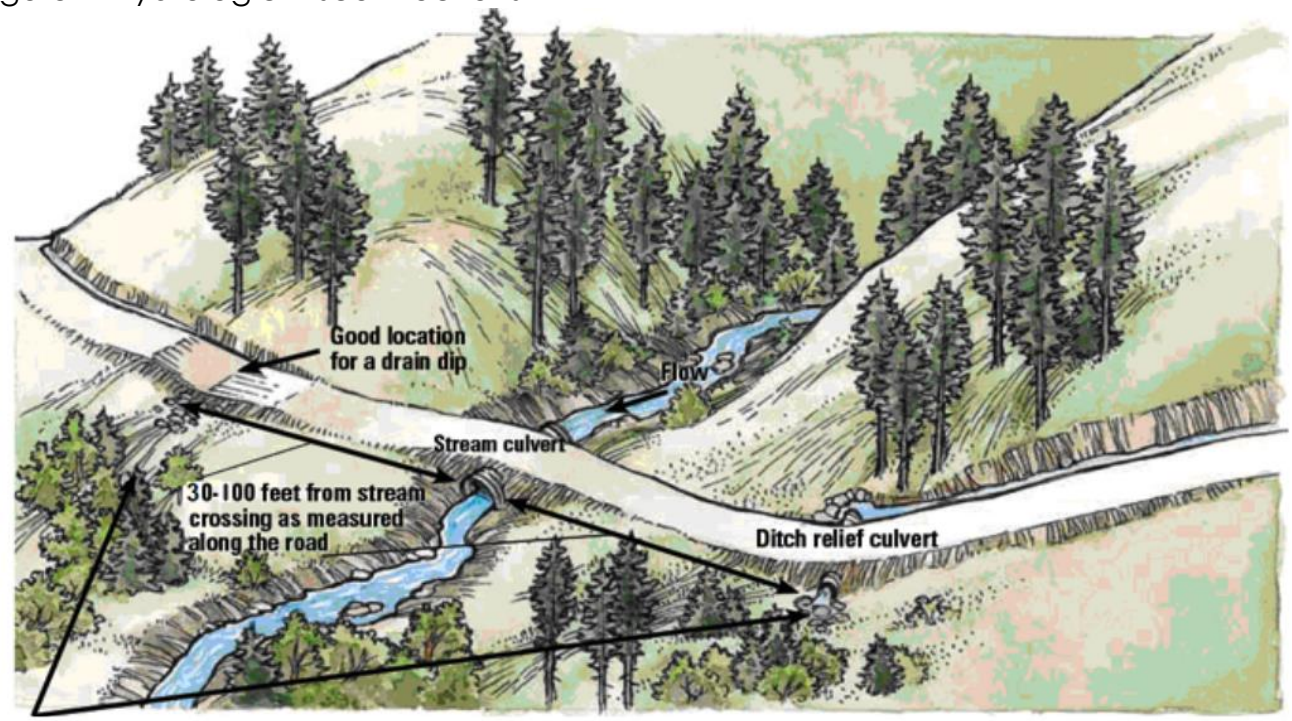

FIGURE 85. *Diagram showing hydrologic disconnection on the approaches to a stream crossing. Note the absence of an apparent critical dip at the crossing. (Modified from: Adams and Storm, 2011; see Appendix C for use in TRA #5).*

Low Water Crossings are temporary in nature, often installed to provide summer vehicle traffic typically across larger perennial streams and small rivers during low flows.

Nonpoint Source (NPS) Pollution is technically defined to mean any source of water pollution that does not meet the legal definition of point source in Section 502(14) of the Federal Clean Water Act of 1987. Unlike point source pollution which comes from a confined, discrete conveyance, NPS pollution comes from many diffuse sources.

In the context of PPDR activities, sources of NPS pollution include but are not limited to road construction, maintenance, and use; debris and hazard tree removal; watercourse crossing construction, maintenance, and use; use of skid trails and landings; and ground disturbing activities.

Ordinary High-Water Mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Pesticides include herbicides for destroying weeds and other unwanted vegetation, insecticides for controlling a wide variety of insects, fungicides used to prevent the growth of molds and mildew, and disinfectants for preventing the spread of bacteria, and compounds used to control mice and rats.

Reasonable Access means that personnel from the California Department of Fish and Wildlife, State Water Resources Control Board and Regional Water Quality Control Boards, and/or Department of Forestry and Fire Protection, if accompanied by the agency(ies) listed on the Right-of-Entry and after 24-hour advance notice is given, may enter and inspect operations during normal business hours at any time throughout the duration of operations, and prior to the property being returned to the landowner.

Riparian means the banks and other adjacent terrestrial environs of lakes, watercourses, estuaries, and wet areas, where transported surface and subsurface freshwaters provide soil moisture to support mesic vegetation.

Saturated Soil Conditions: 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:

- Areas of ponded water
- Pumping of fines from the soil or road surfacing material during Timber Operations
- Loss of bearing strength resulting in the deflection of soil or road surfaces under a load, such as the creation of wheel ruts
- Spinning or churning of wheels or tracks that produces a wet slurry
- inadequate traction without blading wet soil or surfacing materials

See Forest Practice Rules Section 895.1 definitions for "Saturated Soil Conditions."

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 (FPR Section 895.1).

Stabilized means exposed soils and unstable areas have been treated in such a manner that there is low risk of such soils discharging to a waterbody via runoff, slumping, or wind erosion. Appropriate treatment can vary and can include, but is not limited to: cover with mulch (weed free straw, slash, etc.), rocks, tarp, etc.; relocation of excess material to an area that is stable, well drained, isolated from wet areas or watercourses, and where wind exposure is limited; sloping back excess material to a stable angle; hydroseeding, seeding and/or planting; and/or temporary construction erosion control measures (e.g., fiber rolls, silt fences, erosion control blankets, tarps).

Tributary/Tributaries each mean a water that contributes flow, either directly or through another water, to a water identified in paragraphs (a)(1) through (3) of this section that is characterized by the presence of the physical indicators of a bed and banks and an ordinary high-water mark. These physical indicators demonstrate there is volume, frequency, and duration of flow sufficient to create a bed and banks and an ordinary high-water mark, and thus to qualify as a tributary. A tributary can be a natural, man-altered, or man-made water and includes waters such as rivers, streams, canals, and ditches not excluded under paragraph (b) of this section. A water that otherwise qualifies as a tributary under this definition does not lose its status as a tributary if, for any length, there are one or more constructed breaks (such as bridges, culverts, pipes, or dams), or one or more natural breaks (such as wetlands along the run of a stream, debris piles, boulder fields, or a watercourse that flows underground) so long as a bed and banks and an ordinary high water mark can be identified upstream of the break. A water that otherwise qualifies as a tributary under this definition does not lose its status as a tributary if it contributes flow through a water of the United States that does not meet the definition of tributary or through a non-jurisdictional water to a water identified in paragraphs (a)(1) through (3) of this section.

Turbid means the water is cloudy and opaque and has suspended sediment and/or other suspended materials present. Turbidity is the measure of relative clarity of a liquid. It is an optical characteristic of water and is a measurement of the amount of light that is scattered by material in the water when a light is shined through the water sample. The higher the intensity of scattered light, the higher the turbidity.

Watercourse means any well-defined channel with distinguishable bed and bank showing evidence of having contained flowing water indicated by deposit of rock, sand, gravel, or soil, including but not limited to, Streams as defined in PRC 4528(f). Watercourse also includes manmade watercourses (FPR Section 895.1).

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 *(See FPR 895.1, Definitions; also see FPRs 916.5, 936.5, and 956.5 for determining WLPZ Widths and protective measures)*

Watercourse Crossing (Permanent) means a watercourse crossing that will remain in place after operations have been completed.

Watercourse Crossing (Temporary) means a watercourse crossing that will be removed, and the channel and site stabilized after operations have been completed.

Waters of the State means any surface water or groundwater, including saline waters, within the boundaries of the state. *WC Division 7, Chapter 2, Section 13050(e)*.

Waters of the United States means jurisdictional waters. For purposes of the Clean Water Act, 33 U.S.C. 1251 *et seq.* and its implementing regulations, subject to the

exclusions in paragraph (b) of this section, the term "waters of the United States" means:

- The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide
- Tributaries (see tributaries defined above)
- Lakes and ponds, and impoundments of jurisdictional waters
- Adjacent wetlands

Winter Period means the period between November 15 to April 1, except as noted under special county rules at 14 CCR, Article 13, Section 925.1, 926.18, 927.1, and 965.5, where the winter period occurs from October 15 to April 15; this is known as the *Extended Wet Weather Period*.

Exhibit 2.3: Site Assessment Checklist for Statewide EPP

This checklist should be used by contractors during the initial immediately after the fire and pre-final site walks. **If you check yes** to any of the questions in items "b" through "l," please attach this checklist to the parcel's file and have it available upon request.

Parcel/Site Identification #: _____

a.	Please check all that apply to this site:
	☐ Debris Removal ☐ Hazard Tree Removal ☐ Staging Area, Debris Management Site, Equipment Storage and/or Maintenance, etc.
b. ☐[Yes] ☐ [No]	Are there any watercourses or lakes classified as a CLASS I through CLASS IV within or adjacent to the site's planned work area? (Check all that apply)
	Area: ☐ Class I / ☐ Class II / ☐ Class III / ☐ Class IV / ☐ Lakes / ☐ Other I (e.g., Springs, seeps) Within Plan Area: ☐ / ☐ / ☐ / ☐ / ☐ / ☐ Within 200 feet of Plan Area: ☐ / ☐ / ☐ / ☐ / ☐ / ☐
c. ☐[Yes] ☐ [No	Do floodplains exist within or near the site?
d. ☐[Yes] ☐ [No]	Does accessing this site or work within this site require construction or reconstruction of a watercourse crossing, and/or will you be conducting any type of activity within 200 feet of designated critical habitat? If so, please check the following:
	☐ Will you be crossing a Class I, Class II, or Class III watercourse? ☐ Will you be placing a structure in the channel? What type of watercourse crossing must be constructed/reconstructed: ☐ rock armored fill ☐ rocked ford ☐ culverted ☐ bridge
e. ☐[Yes] ☐ [No]	Will you be building, maintaining, or upgrading roads within or adjacent to a watercourse and lake protection zone, floodplain, or other wet area to access and/or conduct work within this site?
f. ☐[Yes] ☐ [No]	Do you anticipate any in-lieu activities under the California Forest Practice rules that may impact waters of the state to occur at this site?
g. ☐[Yes] ☐ [No]	Will you be removing debris from a structure footprint within 200 feet of a watercourse?
h. ☐[Yes] ☐ [No]	Will you be conducting any type of activity within 200 feet of anadromous fish habitat?
i. ☐[Yes] ☐[No]	Will you be conducting any type of activity within 200 feet of designated critical habitat?
j.	Please check all that apply to this site:
	☐ Debris Removal ☐ Hazard Tree Removal ☐ Staging Area, Debris Management Site, Equipment Storage and/or Maintenance, etc.

<table>
<tr><td>k. ☐[Yes]
☐ [No]</td><td>Are there any watercourses or lakes classified as a CLASS I through CLASS IV within or adjacent to the site's planned work area? (Check all that apply)</td></tr>
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<tr><td>l. ☐[Yes]
☐ [No]</td><td>Do floodplains exist within or near the site?</td></tr>
<tr><td>m. ☐[Yes]
☐ [No]</td><td>Does accessing this site or work within this site require construction or reconstruction of a watercourse crossing, and/or will you be conducting any type of activity within 200 feet of designated critical habitat? If so, please check the following:</td></tr>
<tr><td></td><td>☐ Will you be crossing a Class I, Class II, or Class III watercourse?
☐ Will you be placing a structure in the channel?

What type of watercourse crossing must be constructed/reconstructed:
☐ rock armored fill
☐ rocked ford
☐ culverted
☐ bridge</td></tr>
<tr><td>n. ☐[Yes]
☐ [No]</td><td>Will you be building, maintaining, or upgrading roads within or adjacent to a watercourse and lake protection zone, floodplain, or other wet area to access and/or conduct work within this site?</td></tr>
<tr><td>o. ☐[Yes]
☐ [No]</td><td>Do you anticipate any in-lieu activities under the California Forest Practice rules that may impact waters of the state to occur at this site?</td></tr>
<tr><td>p. ☐[Yes]
☐ [No]</td><td>Will you be removing debris from a structure footprint within 200 feet of a watercourse?</td></tr>
<tr><td>q. ☐[Yes]
☐ [No]</td><td>Will you be conducting any type of activity within 200 feet of anadromous fish habitat?</td></tr>
<tr><td>r. ☐[Yes]
☐[No]</td><td>Will you be conducting any type of activity within 200 feet of designated critical habitat?</td></tr>
<tr><td>s. ☐[Yes]
☐[No]</td><td>Have incident reports been prepared for biological, archaeological, or excursions from Environmental Protection Plan compliance? If yes, attach copies of reports submitted to the Incident Management Team (IMT) for federally declared disaster recovery programs or Operations Management Team for state proclaimed disaster recovery programs.</td></tr>
</table>

Exhibit 2.4: CDFW 2024 Wildfires Habitats and Special Status Species Impacted by Fire Name, Watershed, and County, and CDFW Species-Specific Measures

(To be provided prior to debris and hazard tree operations commence)

Exhibit 2.5: Final Site Walk Checklist[2]

Parcel/Site ID:	Please attach this checklist to the site's file upon completion	
Activity	**Erosion and Sediment Control BMPs**	**Complete?**
Skid Trails	Drainage structures have been installed in a manner that will prevent concentrated flows from discharging into waters of the state.	☐
	Surface of skid trails have been treated where needed in a manner that will reduce rill initiation, gullying and sheet erosion.	☐
	Within the Watercourse and Lake Protection Zone (WLPZ) and skid trails on steeper slopes (i.e., greater than 30%) which lead into the WLPZ: skid trail surfaces have been treated with erosion control measures (chips, mulch, slash etc.) and drainage structures (e.g., waterbreaks, rolling dips) have been installed at a frequency that will prevent sediment discharging to a watercourse.	☐
Temporary Watercourse Crossings	Fine soils or organic materials deposited into a watercourse by operations have been removed, stored, and stabilized to reduce risk of discharging to a watercourse.	☐
	The bed and bank of watercourses disturbed during operations have been recontoured as close as feasible to the natural slope and stabilized with appropriate erosion control measures.	☐
	Drainage structures have been installed on the approaches to watercourse crossings (water bars, rolling dips, out sloping) in a manner that will prevent concentrated flows from reaching the watercourse.	☐
	Approaches to watercourse crossings have been stabilized in a manner that will prevent sediment discharge to the watercourse.	☐
Trees felled Across Watercourses	Disturbance to the bed and/or bank of the watercourse has been stabilized to prevent erosion and deterioration.	☐
	All woody debris located within the watercourse channel as a result of felling operations has been removed unless installed through an approved aquatic habitat restoration project (e.g., large woody material augmentation)	☐
WLPZ Operations	Ground disturbance within the WLPZ from operations has been stabilized with suitable material (slash, chips, bark etc.) to a depth adequate to reduce erosion and sediment discharge to waters of the state.	☐
Roads	Roads are hydrologically disconnected from watercourse crossings.	☐
	All new and existing roads used during debris and/or hazard tree removal have been treated with water or other suitable tackifiers and recompacted to minimize the erosion of the road surface.	☐
Debris Removal Sites	Disturbances near a watercourse are properly stabilized with erosion and sediment control measures that are appropriate for the site.	☐
	Any damaged/destroyed erosion and sediment control measures that were deployed during operations are removed and replaced as appropriate; biodegradable materials can remain on site, but all others should be removed.	☐
	Necessary maintenance of BMPs is completed (e.g., removing any built-up sediment behind fiber rolls or other BMPs that were used during operations).	☐

[2] **THIS CHECKLIST IS NOT ALL-INCLUSIVE. ALL BMP PROVISIONS IN THE EPP STILL APPLY:** This checklist does not include every BMP or requirement that is detailed in the EPP; all EPP provisions still apply. This checklist is intended to guide the identification of key BMPs to help facilitate effective site stabilization and minimize impacts to surface waters from debris and hazard tree removal operations.

Exhibit 2.6: Example Forest Practice Rule Cultural Resource Protection Suspension

See Attachment from 2022 EPP

III. FEMA and Federal Resource Agency Consultations

Refer to attached Programmatic Agreements

In the event that State Proclaimed Disasters subject to the EPP become Presidentially Declared Major Disasters during the performance of disaster debris and hazard tree removal program, the Federal Flood Risk Management Standard (FFRMS) that became effective September 9, 2024, will need to be addressed to comply with Executive Order No. 11988, Floodplains.

The Federal Flood Standard Support Tool to do so is accessible via the following link: https://floodstandard.climate.gov/.