



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

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File Code: 2530

Date: November 21, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
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Sacramento, CA 95814



Dear Ms. Townsend:

The USDA Forest Service Pacific Southwest Region (USFS) has reviewed the revised draft waiver for activities on National Forests in California. The waiver as currently drafted will result in improvements to protection of water quality on National Forest System lands and provide compliance with applicable laws and regulations. I remain concerned about the potential impact of the waiver on the workloads of both the USFS and the State, and based on that concern, I offer the following suggestions for improving the waiver:

1. Page 33, Waiver Application Process for Category B projects, item 4: Provide that a complete waiver application that has not been reviewed by a Regional Board within the prescribed 30 days be deemed approved. This change is needed both to avoid unduly taxing the resources of the Regional Water Quality Control Boards (Regional Boards) that will implement the waiver, and to allow the USFS to proceed with critical projects in a timely manner.
2. Page 13, finding 32: Require that Regional Board Executive Officers provide a written explanation to the USFS for any additional requirements for TMDL implementation beyond waiver compliance.
3. Page 13, finding 36: Provide that the proposed State Water Resources Control Board (SWRCB) waiver will supersede all Regional Board General Waste Discharge Requirements for activities covered by the SWRCB waiver related to nonpoint source pollution, including small construction General WDRs but not including storm water NPDES permits. This change will avoid unnecessary duplicate permitting for activities covered by the waiver.
4. Page 31, Category B condition 10: I have concerns regarding the description of the Rescissions Act as it applies to environmental reviews of range allotments, and I understand that this issue is being resolved at the staff level. My concern is that the authority for amending the Rescissions Act schedule was delegated to the Secretary of Agriculture, and nothing in the waiver should appear to change that delegated authority.



I appreciate the efforts of the staff of the State Water Resources Control Board in developing the waiver over the past two years, and I thank you for the opportunity to comment on the revised version of the waiver. If you have any questions, please contact Regional Hydrologist Barry Hill (bhill@fs.fed.us) at (707) 562-8968.

Sincerely,

/s/ Daniel J. Jirón (for)

RANDY MOORE

Regional Forester

cc: Barry Hill