



CALIFORNIA WATER BOARDS

State Water Resources Control Board

Regional Water Quality Control Boards

Water Board Function: Forest activities coordination and regulation

Water Board Program(s) Relevant to Function:

Forest Activities Program (FAP)

Problem/Issue Description:

Activities in California's federal and nonfederal wildlands can significantly impair water quality. These activities are primarily nonpoint sources and include, but are not limited to: logging, grazing/rangeland management, and recreation (e.g., off-highway vehicles, freshwater marinas). The most common and significant pollutant discharged from such activities is sediment, but increased water temperature, fecal bacteria, and pesticides can also be significant. Catastrophic wildfire, whether or not caused by human activities, is also a serious source of pollutants, primarily sediment and nutrients (from leaching of ash).

Overview of Function:

The FAP has three primary functions:

1. Work at the statewide level with the agencies with primary responsibility for management of California wildlands (i.e., State Board of Forestry [BOF] and Department of Forestry and Fire Protection [CAL FIRE], USDA Forest Service [USFS], and U.S. Department of Interior Bureau of Land Management [BLM]) to ensure and improve water quality protection (and where waters are 303(d)-listed) restoration. These activities include statewide program-level changes, including development, implementation, and monitoring of approved statewide Water Quality Management Plans (WQMPs), as well as changes to the internal and/or regulatory requirements of these agencies. We currently have WQMPs (with subordinate management agency agreements) with the first two of the lead agencies (BOF and CAL FIRE). USFS is working with us to update its existing WQMP, and BLM is trying to develop a WQMP for the lands under its purview.
2. At the regional level, work with these lead agencies during their official review of proposed projects, and make recommendations to better ensure water quality protection, maintenance, or restoration, as appropriate. (There is no lead agency for rangeland management.)
3. Again at the regional level, regulate wildland projects directly under our own authority. Proactive regulation occurs via general or individual waste discharge requirements (WDRs), and individual WDR waivers or waiver policies. In general, waivers are used where the water quality measures specified by the lead agency are deemed to be generally satisfactory. Waiver conditions tend to become more rigorous as the risk to water quality increases. WDRs are used where lead agency measures consistently fall seriously short. Where needed, corrective regulatory actions are also taken.

Role of Water Board Staff:

The FAP manager at the State Board is the primary statewide liaison with the wildland lead agencies, working directly with their mid- and upper-level manager and technical specialists to improve their water quality protection programs and regulatory requirements. The State Board's Executive Office provides policy and program guidance to the FAP manager, and becomes actively involved when WQMPs, memoranda of understanding (MOUs), etc., that will require later State Board action are being developed or amended. The FAP manager also works with the 29 Regional Board FAP staff to coordinate their activities and approaches and prepares budget change proposals (BCPs), etc., to address their resources needs.

Regional Board staff prepares and submits WDR or NPDES permit for consideration and adoption by Regional Board, and coordinates with staff from Department of Forestry and Fish and Game. FAP Regional Board staff primarily interacts with project proponents and affected lead agencies at the regional level as described in the previous section. They conduct field inspections, office reviews, and ensure regulatory compliance. They also participate in program-level coordination with the lead agencies, such as CAL FIRE and the Department of Fish and Game.

Role of Regional Board Members:

Regional Board Members conduct public hearing, and consider and adopt WDR or NPDES permit.

Any Regional Water Board can adopt WDRs and/or conditional waivers for forest activities. To date, the only forest activities to be so treated have been timber operations, and this only in Regions 1, 3, 5, and 6. Also, in Region 1, the board has adopted sediment TMDL implementations plans and a Sediment TMDL Implementation Policy with which forest activities must comply. Region 6 has adopted a conditional waiver for grazing operations in the Bridgeport Valley area.

Role of State Board Members:

State Board Members review petitions from Regional Board adoption of WDR or NPDES permit, and adopt policies and regulations. State Board Members provide policy and program guidance during development or amendment of proposed statewide WQMPs, MOUs, etc. on which they must later make a decision. To a limited degree, they may work with uppermost management of the lead agencies.

Primary Issues of Concern:

1. Improved balancing and harmonizing of mandates, goals and policies between Water Boards and other resource management agencies.
2. The existing WQMPs need to be updated to:
 - a. Conform with changes in the regulatory landscape including: (i) the Nonpoint Source Program and Policy, (ii) 303(d)/TMDL restoration goals, and (iii) new waiver requirements).
 - b. Reflect changes in lead agency resources, priorities, and policies.

- c. Address new and growing nonpoint sources of pollution (e.g., off-highway vehicles).
 - d. Incorporate more recent knowledge from scientific and monitoring studies.
 - e. Initiate improved monitoring programs.
3. Improved effectiveness, efficiency and implementation of monitoring programs, including:
- a. Incorporation of suitable modeling techniques.
 - b. Improved coordination between agencies and with the private sector.
 - c. Increased use of qualified voluntary programs.
4. Improved design, implementation and interagency coordination of analysis and control of cumulative watershed effects (i.e., a “watershed approach”).
5. Lack of a comprehensive program for grazing/rangeland management which leaves both Water Board and the private sector at risk of litigation.

Definition of Key Terms:

Wildlands: Forests, brush and grasslands with little human intrusion.

Water Quality Management Plan: Pursuant to Clean Water Act Section 208, a plan certified by SWRCB that sets forth management practices for controlling nonpoint source pollution, how those practices will be implemented and monitored, and revised.

Management Agency Agreement: The agreement between SWRCB and the agency having primary responsibility for implementing the water quality management plan.