
North Coast Regional Water Quality Control Board

December 5, 2014

Ms. Patricia Grantham
Attention: Ms. Wendy Coats
Klamath National Forest
1711 South Main Street
Yreka, CA 96097

Dear Ms. Grantham:

Subject: KNF Westside Fire Recovery Project Scoping

File: USDA – Klamath National Forest

On October 8, 2014, the United States Forest Service (USFS) public scoping document for the proposed Klamath National Forest (KNF) Westside Fire Recovery Project (Project) was released. The Project was developed in response to landscape-level changes to forested habitat resulting from the 2014 wildfires on the KNF. We appreciate the opportunity to comment on the Project and wish to remain on the mailing list.

Severe drought and extremely dry fuel conditions made this fire season one of the worst in the history of the KNF. Fires exhibited high to extreme fire behavior with multiple flaming fronts. The Beaver Fire, Happy Camp Complex Fire, and Whites Fire burned a total of 183,127 acres, including 162,264 acres of National Forest System (NFS) land and 20,863 acres of private land.

The Project proposes to: 1) reduce safety hazards to the public and forest workers from falling trees or hazardous fuel conditions; 2) obtain the maximum economic commodity value from burned timber by offering a sale while the wood is still marketable; and 3) promote ecosystem sustainability by increasing the likelihood and speed by which burned forested areas are regenerated. Funds gained from the salvage sale can be used for additional restoration work. The Project area is comprised of 214,848 total acres, including 184,502 acres of NFS land, of which approximately 63,883 acres is proposed for treatment. Treatment includes 10,600 acres of salvage harvest, 21,872 acres of roadside hazard treatment, 11,411 acres of hazardous fuels treatment, and 20,000 acres of site

preparation, planting, and vegetation release. The Project is divided into three areas: Beaver Fire, Happy Camp Complex Fire, and the Whites Fire of the July Complex.

As background, state law assigns responsibility for protection of water quality within north coast watersheds to the North Coast Regional Water Quality Control Board (Regional Water Board). The Regional Water Board implements and enforces the Porter-Cologne Water Quality Control Act ("Porter-Cologne Act," California Water Code §13000 et seq.) and the *Water Quality Control Plan for the North Coast Region* (Basin Plan). All forest projects must comply with all substantive and procedural requirements of the Porter-Cologne Act and the Basin Plan.

Regional Water Board Order No. R1-2010-0029, *Waiver of Waste Discharge Requirements For Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region* (Waiver), waives certain activities conducted on NFS Lands from the waste discharge requirements of Article 4 (commencing with Section 13260) of Chapter 4, Division 7 of the California Water Code, except as provided within the Waiver. In order to receive coverage under the Waiver, projects must meet specific eligibility criteria and conditions. Projects are defined as Waiver Category A or Category B projects depending on the risks of water quality impacts. The Westside Fire Recovery Project is a Category B project because it is a timber harvest project that includes non-emergency fire restoration and rehabilitation of burned areas. A guidance document and pertinent forms are available for review and can be downloaded at the following web address:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/timber_operations/timber_waiver/

Please accept the following comments on the Project based on the preliminary information provided in the scoping letter:

1. The Basin Plan contains water quality objectives, implementation plans for meeting those objectives, and other policies, including State Water Resources Control Board and federal policies, which are applicable to operations on NFS lands within California. The Project must be designed and implemented to meet the water quality standards outlined in the Basin Plan. Additionally, the project must be in compliance with any total maximum daily load (TMDL) that has been developed for the watersheds in which the project will occur.
2. The Waiver states that after the Project Decision Notice is signed and at least 30 days prior to commencement of on-the-ground activities, a Notice of Intent (NOI) and Waiver Application shall be filed with the Regional Water Board. The NOI certifies that the USFS understands and intends to comply with the Waiver. A letter granting coverage must be received by the USFS prior to initiating activities.

3. General Condition No. 3 (page 14) of the Waiver states that: “The USFS shall assess watershed conditions and propose and implement restoration activities to address identified water quality concerns. Individual projects under Category B must inventory, prioritize, and schedule for treatments of existing legacy sediment sites as part of the proposed project activities when an inventory and prioritization of legacy sites has not been initiated as part of a larger watershed planning effort in the project area as defined in the project description. Multiple Forest, Forest-wide, or multidistrict activities, such as wildfire reforestation, recreational site improvement, road maintenance, prescribed burns, powerline right-of-way maintenance, and grazing allotments are exempt from this requirement.” However, fire salvage projects are timber harvest projects that are not exempt from the requirement to address legacy sediment sites.

Condition No. 3 requires the USFS to inventory, prioritize, and schedule for treatment any existing legacy sediment sites that are in the project area as part of the proposed project, or identify the existing larger watershed planning effort (e.g. Watershed Analysis and Restoration) that will accomplish the same. There is an expectation that each Forest will make reasonable progress towards completing inventories and remediating legacy sediment sites. Progress in treating such sites is necessary for sediment TMDL compliance.

The Waiver states Regional Water Board staff will confer with the USFS on legacy site inventories and remediation projects to verify reasonable progress. It is our understanding that some treatment of legacy sediment sites along the NFS roads within the project area is being accomplished as a part of the USFS Burned Area Emergency Rehabilitation (BAER) program. The legacy site treatment that is planned or accomplished under the BAER program may result in progress toward TMDL compliance but Regional Water Board staff cannot determine whether BAER activities alone will be adequate for USFS Waiver compliance without additional details of that work. Given the huge size of the Project area, treatment of all the legacy sites may not be a realistic goal. However, treatment of some of the high priority legacy sediment sites in the Project area may be necessary in order for the Project to be eligible for Waiver coverage. KNF must propose an acceptable legacy site treatment program for the Project to comply with the Waiver and demonstrate reasonable progress towards TMDL compliance. This program must be approved by the Regional Water Board staff before Waiver coverage will be granted and project activities can commence.

4. To provide clarity, transparency, and improve our ability to assess compliance with water quality objectives, General Condition No. 10 (page 15) of the Waiver states: “The USFS shall include within the environmental document prepared pursuant to NEPA, contracts, grazing permits, agreements, and other instruments used to direct the activities of contractors, grazing permittees, USFS personnel, or volunteers, or

any other third parties specified in this Waiver, the specific on-the-ground prescriptions that are designed to meet the USFS BMPs . . .”

5. General Condition No. 11 (page 15) states that: “In addition to providing specific on-the-ground prescriptions, the USFS shall provide copies of this Waiver to contractors and grazing permittees, and USFS volunteers or any other third parties specified in this Waiver, and notify them of their responsibilities to comply with the Waiver.”
6. Condition No. 1 (Page 13) states that: “USFS shall manage and maintain designated riparian zones [. . .] to ensure retention of adequate vegetative cover that results in natural shade conditions within 300 feet slope distance on each side of fish-bearing streams, 150 feet slope distance on each side of perennial streams, and 100 feet slope distance on each side of ephemeral/intermittent streams, or the site potential tree height distance on each side of the stream, whichever is greatest (per NWFP ACS Strategy Objective No. 4). Timely implementation is necessary for sediment and temperature TMDL compliance. Natural shade conditions are defined as the shade on a watercourse that results from the site potential naturally occurring vegetative community and topographic configuration.

Exceptions to this condition will be considered. In order for Regional Water Board staff to determine the adequacy of the justification for an exception, the justification must identify the proposed canopy reduction and expected recovery time, provide an estimate of the pre- and post- project shade or solar impacts, and explain how such an exception will result in a net long-term benefit to water quality and stream temperatures.”

7. Measures to mitigate water quality impacts should be included in the design of the Project. The Waiver application requirements (page 23, item “g”) states that an application must contain: “Copies of relevant portions of all environmental documents that set out the details of a project, especially on-the-ground prescriptions, including supporting documents that describe in detail the activities and management practices that will be taken to reduce potential water quality impacts to less than significant levels (e.g., NEPA documents, technical reports, design criteria, assessments, watershed restoration plans).”
8. The monitoring and Reporting Program (Page 2, Monitoring for All Projects) for the Waiver states: “Implementation monitoring will be conducted for all projects using a ‘checklist’ approach and serving as an audit. Implementation monitoring will be the primary systematic means for early detection of potential water-quality problems stemming for failure to fully or properly implement all of the proposed measures for a particular project. . .”

Thank you for the opportunity to comment on the KNF Westside Fire Recovery Project. We would appreciate receiving copies of the environmental documents for review and comment. If you have any questions, please feel free to contact me at (707) 576-2030.

Sincerely,

Original signed by

Thomas R. Williams, P.G.
Engineering Geologist
Northern Timber Unit

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