

State of California

Memorandum

Ex E2 4/10/1996

To: Gaylon Lee, Forest Activities Program Manager
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Harold
From: HAROLD J. SINGER, EXECUTIVE OFFICER
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Subject: MANAGEMENT AGENCY AGREEMENT WITH THE U.S. FOREST SERVICE, ISSUES FOR ANNUAL MEETING TO BE HELD 4/30/96

We have received your fax dated April 5 requesting issues or concerns related to the Management Agency Agreement (MAA) between the U.S. Forest Service (USFS) and the State Water Resources Control Board (SWRCB). Your fax stated that the annual USFS MAA coordination meeting will be held April 30, and requested our comments by April 15. In order to respond to your request on such short notice, these comments will only briefly summarize the topics we would like you to address.

Regarding agenda item #1 (BMP evaluation program results), we believe that it would be useful for SWRCB and RWQCB staffs to have copies of the USFS's annual Best Management Practices Evaluation Program (BMPEP) report prior to the meeting. This would allow us to review the often lengthy report prior to the meeting, thus facilitating more productive dialogue about the issues of interest to attendees. I therefore request that you ask your contacts at the USFS to provide copies of materials related to agenda item #1 prior to the meeting.

Regarding agenda item #2 (Updating MAA Attachments A and B), we have two items that we would like you to address. First, in regards to MAA Attachment A, cumulative watershed effects (CWE), we believe that the USFS needs to acknowledge that its current CWE models and other standard CWE analysis procedures may not provide sufficient analysis of cumulative effects to water quality in particularly sensitive environments, such as Lake Tahoe and other designated Outstanding National Resource Waters (ONRWs). For example, Lake Tahoe is significantly affected by cumulative incremental inputs of nutrients and sediment (which are not detected or predicted by the USFS's current CWE methodology). The CWE was initially developed primarily to evaluate timber harvest impacts, and has been adapted at Lake Tahoe to address impacts of ski resorts. Current CWE models basically estimate the risk of creating substantial changes in channel stability and morphology. These are critical parameters, but a risk estimate for such changes does not necessarily predict the risk of cumulative sediment and nutrient loading from other types of

watershed disturbance (e.g., subsurface nutrient leaching into ground and then surface waters as a result of vegetation and soil disturbance). The USFS needs to acknowledge this potential shortcoming of its CWE methodology so that the issue does not need to be debated by staff from both agencies during planning and review of individual projects.

Second, with regards to MAA Attachment B (Regional Board Issues), we request that this attachment acknowledge the outstanding issue of USFS compliance with, and requests for exceptions to, waste discharge prohibitions adopted by the RWQCBs. As you may know, the Lahontan RWQCB recently denied a USFS project because the USFS refused to comply with procedural requirements for obtaining an exception to waste discharge prohibitions adopted by the RWQCB. While I am currently working with USFS personnel to establish a streamlined framework for processing such exception requests by the USFS, the MAA Attachment B should include this issue until final resolution is achieved.

Third, we request an additional agenda item discussing USFS's current livestock grazing program, given numerous changes over the past several years. We request a brief discussion of the current USFS process for updating outdated allotment management plans, how the current process of issuing term grazing permits interfaces with the allotment management plan updating procedures, and how outdated allotment management plans (which are a required BMP) can be considered a BMP under the MAA.

Finally, the Lahontan Regional Water Quality Control Board has written the Inyo National Forest (INF) numerous letters asking how their current program of issuing term grazing permits satisfies the MAA requirement for implementation of allotment management plans. We have offered to work cooperatively with the INF if they are proposing a new process or new BMPs, yet they have not answered any of our letters. We request an agenda item to discuss this issue.

Again, due to the short timeframe, this memo only summarizes topics of interest to us in regards to the USFS MAA. Please call Dr. Ranjit Gill at (916) 542-5426 if you would like to discuss these issues further.

cc: John Rector, USFS
John Ladd, SWRCB-DWQ

TS/sh22-usfs-maa
[USFS-general]