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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

June 13, 2013

Mr. Dave Hays
ATTN: Dan Henklein
Salmon/Scott River RD
11263 N. Hwy 3
Fort Jones, CA 96032-9702

Dear Mr. Hays:

Subject: Klamath National Forest Middle Tompkins Allotment/Lake Mountain Allotment
Grazing Permit Renewal Scoping

File: USDA – Klamath National Forest (KNF)

On May 20, 2013, we received the Forest Service public scoping document for the proposed KNF Middle Tompkins Allotment and Lake Mountain Allotment Grazing Permit Renewal. We appreciate the opportunity to comment on the project and wish to remain on the mailing list.

KNF is proposing to re-authorize grazing on the Middle Tompkins Allotment and Lake Mountain Allotment. The allotments straddle the Oak Knoll and Scott River Ranger District boundary near Lake Mountain and Tom Martin Peaks west of Scott Bar, California, in Siskiyou County and occupy 24,868 acres. Project objectives include: providing for healthy ecosystems, desired vegetation condition and soil productivity; allocating forage sustainably for livestock and wildlife; optimizing forage use to insure plant vigor, reproduction and favorable trend; avoiding disturbances during critical plant growth periods; protecting sensitive species to avoid need for federal listing; maintaining or enhancing meadows and protecting springs; supporting big game objectives and making forage available to wildlife during critical seasons; moving toward attainment of Aquatic Conservation Strategy objectives; employing appropriate cost-effective structural and non-structural improvements to achieve desired vegetative management objectives; and addressing small and large populations of noxious weeds.

DAVID M. NOREN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

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The Forest Service is preparing an environmental assessment (EA) for the proposed Middle Tompkins Allotment and Lake Mountain Allotment Grazing Permit Renewal. This project is subject to comment in accordance with 36 CFR 218, Subparts A and B.

As background, state law assigns responsibility for protection of water quality within north coast watersheds to the Regional Water Quality Control Board, North Coast Region (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* (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 National Forest System 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, the project must meet specific eligibility criteria and conditions. 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/

The USFS Waiver states that range management activities, including the Middle Tompkins Allotment and Lake Mountain Allotment, will be covered under Category B of the USFS Waiver. Category B applies to activities with a moderate potential impact to water quality. Category B activities require the USFS submit an application and provide more information to the Regional Water Board (RWB), who then conducts a more detailed review. The application must include the following information:

- a. A brief description of the proposed activity.
- b. Activity start and end dates.
- c. The name(s) and contact information for primary project management personnel.
- d. A description of compliance with USFS Waiver in general terms.
- e. Copies of relevant portions of all environmental documents that set out the details of the project, especially on-the-ground prescriptions, including supporting documents that describe in detail the activities and management that will be taken to reduce potential water quality impacts to less than significant levels.

Please accept the following comments based on the preliminary information provided in the project 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 National Forest System lands within California. The KNF Middle Tompkins Allotment and Lake Mountain Allotment 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. For project enrollment, the 2010 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 prior to initiating activities.
3. To provide clarity, transparency, and improve our ability to assess compliance with water quality objectives, General Condition #10 (page 15) states:

“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...”

4. General Condition #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.”

5. Condition #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. 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.”

6. Measures to mitigate water quality impacts should be included in the design of the KNF Middle Tompkins Allotment and Lake Mountain Allotment Grazing Permit Renewal. The 2010 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).”

7. The Waiver Monitoring and Reporting Program (Page 2, USFS-Wide Monitoring, Administrative Implementation Monitoring) states:

“All projects in Waiver Category B will have administrative implementation monitoring using a “checklist” approach. All on-the-ground prescriptions for the project must be included in the checklist so that the monitoring constitutes 100% implementation monitoring.”

Thank you for the opportunity to comment on the KNF Middle Tompkins Allotment and Lake Mountain Allotment Grazing Permit Renewal. 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) 576-2472.

Sincerely,



Carey Wilder
Engineering Geologist
Northern Timber Unit