

## Lahontan Regional Water Quality Control Board

May 14, 2015

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P.O. Box 290  
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### COMMENTS ON GRASS VALLEY FIRE RESTORATION PROJECT

The US Forest Service – San Bernardino National Forest (USFS) is proposing to implement the Grass Valley Fire Restoration Project (Project) using a variety of vegetation management methods, including mastication with chipped materials remaining onsite, mechanical thinning with ground based yarding, chainsaw thinning with skyline or helicopter yarding, chainsaw thinning with manual onsite piling or removal, burning of vegetation piles, and underburning. Project tasks also include the removal of hazard trees that pose a threat to life and/or property; reforesting areas that were previously forested using native species; repairing damaged infrastructure including roads, crossings, and trails; and treating invasive plants using approved herbicides.

This letter provides the Lahontan Regional Water Quality Control Board's (Lahontan Water Board) support for the USFS's Grass Valley Fire Restoration Project. To assist the USFS with early Project planning, Water Board met with USFS staff on May 8, 2015 to discuss the proposed Project tasks and the following potential permitting and planning requirements:

#### I. Lahontan 2014 Timber Waiver

The Project tasks involving timber harvest and vegetation management activities will require coverage under the 2014 Timber Waiver. The 2014 Timber Waiver and all attachments may be found on our website at:

[http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/waste\\_discharge\\_requirements/timber\\_harvest/timberwaiver.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/waste_discharge_requirements/timber_harvest/timberwaiver.shtml)

Please review the 2014 Timber Waiver criteria and conditions while developing specific resource protection measures and design features for the proposed Project. By understanding the 2014 Timber Waiver's criteria and conditions, you can tailor your project design features and environmental analyses to incorporate those requirements,

which will streamline your 2014 Timber Waiver application process and avoid project delays.

Please note that the 2014 Timber Waiver uses a watercourse classification system which categorizes watercourses according to their biologic habitat and ability to transport sediment, as defined by the California Code of Regulations, title 14, rather than just by flow regime. This watercourse classification determines the necessary buffer zone width for that watercourse (see Attachment B of the 2014 Timber Waiver). To expedite review of your Timber Waiver application, please clearly indicate in your waiver application maps the classification of all watercourses in the Project area, and the location of proposed operations and pile burning within Waterbody Buffer Zones (WBBZs). Be sure to clearly state the mitigation measures you will employ in buffer zones where equipment operations are proposed. Examples of design features for pile burning in WBBZs are listed in Attachment Q of the 2014 Timber Waiver; reviewing the Timber Waiver's Category 6 and Attachment N will help you understand certain conditions which must be met to work in WBBZs.

Please submit your application and all required information for the timber waiver once a decision on this Project is made.

## **II. Construction Permitting**

- 1) Although not anticipated in the current proposed Project tasks, if Project construction activities involve more than 10,000 sq. ft., but less than one acre of land disturbance, General Waste Discharge Requirements for Small Construction Projects, Including Utility, Public Works, and Minor Streambed/Lakebed Alteration Projects in the Lahontan Region, Excluding the Lake Tahoe Hydrologic Unit, Board Order No. R6T-2003-0004 is required. These Waste Discharge Requirements (WDRs) may be downloaded from the following webpage:  
[http://www.waterboards.ca.gov/lahontan/board\\_decisions/adopted\\_orders/2003/docs/r6t-2003-0004\\_small\\_const\\_wdr.pdf](http://www.waterboards.ca.gov/lahontan/board_decisions/adopted_orders/2003/docs/r6t-2003-0004_small_const_wdr.pdf)
- 2) Although not anticipated under the current proposed Project tasks, if Project construction activities involve one acre or greater of land disturbance, a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity, Order 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-006-DWQ (Construction General Permit) is required. Please see:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

## **III. California Environmental Quality Act (CEQA)**

The Lahontan Water Board must comply with CEQA whenever it takes a discretionary action, including issuing a 401 Water Quality Certification or Basin Plan Prohibition

Exemption. Based on the Water Board's discussions with USFS staff, the Water Board anticipates that all of the proposed Project tasks will be implemented under the Lahontan Water Board's 2014 Timber Waiver and a 401 Water Quality Certification or Basin Plan Prohibition Exemption documents will not be required. In order to obtain CEQA coverage under the 2009 Mitigated Negative Declaration referenced in the 2014 Timber Waiver, the 2014 Timber Waiver enrollee must comply with the General Conditions and all applicable general and category-specific conditions of the 2014 Timber Waiver.

If the proposed Project tasks change and a 401 Water Quality Certification or Basin Plan Prohibition Exemption is required, the CEQA scoping, document development, noticing, and public review would need to occur and could affect project implementation timelines if they do not occur simultaneously with your NEPA process.

The regulations that guide the Water Board's compliance with CEQA direct us to work with federal agencies to streamline the environmental review process by preparing a combined environmental document (a joint NEPA/CEQA-compliant document). We will work with your agency to supplement your NEPA document to fully comply with CEQA, which would be circulated to meet the public notice and involvement requirements of CEQA. The Water Board would certify the joint environmental document at a public hearing. However, please be aware that the Water Board does not have the staff, funding, or knowledge of your specific Project details to write a complicated CEQA document in a timely fashion. Water Board staff therefore recommends that, if a CEQA Checklist is required for this Project, you hire a consultant to initiate development of this documentation, prior to Water Board staff review and coordination.

#### **IV. Project Information and Mapping**

The following information should be included as part of the Project's permits applications:

1. Please provide USGS 7.5 minute topographic (or equivalent or greater scale) Project maps which clearly show the extent of activities in the Project areas.
2. Please include maps which clearly show areas of floodplains, wetlands, and the ordinary high water mark of any waterbodies where work will occur, if any. For example, if describing improving a watercourse crossing at a re-designated motorized route, clearly show the existing structure in relation to the creek, floodplain, or any associated wetlands. Floodplains and other such features should be delineated by a qualified hydrologist, and the map should be of a scale so that they can be identified in the context of the project area (e.g., 1 inch equals 40 feet). Include a legend or key on all maps so that features can be readily identified.

## Document Submittal Instructions

The Water Board has implemented a paperless office system to reduce paper use, increase efficiency, and provide an efficient way for our staff, the public and interested parties to view documents in electronic form. Effective May 1, 2015, please convert all regulatory documents, submissions, materials, data, and correspondence that you would normally submit to us as hard copies in a Portable Document Format (PDF). Since we can no longer receive paper copies of your documents, documents that are less than 50 MB should be emailed to the Regional Water Board's South Lake Tahoe office at [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov). Please include your project's WDID No. (if it has been assigned), Project Name and/or Discharger Name, Monitoring Report Name (if it is one) and Staff assigned to your project at the Water Board in the Subject Line. Documents that are 50 MB or larger should be transferred to a thumb drive or compact disk and mailed to the Water Board office at 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150.

Thank you for providing Water Board staff the opportunity to provide comments on this Project. Please contact me at [jim.carolan@waterboards.ca.gov](mailto:jim.carolan@waterboards.ca.gov) or (530) 542-5477 with any questions.



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