
North Coast Regional Water Quality Control Board

June 27, 2018

Ms Patricia A. Grantham
Forest Supervisor
Klamath National Forest
1711 South Main Street
Yreka, CA 96097
pagrantham@fs.fed.us

Dear Ms Grantham:

Subject: Scoping Comments – East Fork Scott Project, Klamath National Forest

File: USDA USFS Klamath NF (CW-754119)
Klamath NF East Fork Scott Project (CW- 848348)

The North Coast Regional Water Quality Control Board (Regional Water Board) appreciates the opportunity to comment on the proposed Klamath National Forest (KNF) East Fork Scott Project (Project). The Project was developed by staff from United States Forest Service (USFS) to: improve forest health and resilience in early seral as well as mid- to late seral habitat; enhance meadow and oak woodland habitat for sensitive plants and large game species; reduce sediment input from roads and abandoned mines; protect and enhance riparian habitat and stream shade; and provide for firefighter and public safety. The Project is located in the East Fork Scott River Watershed and within the Salmon/Scott Ranger District.

The purpose of this letter is to provide our comments on the proposed Project. Additionally, we are providing you with information regarding compliance with Regional Water Board Order No. R1-2015-0021, *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). Please see the Waiver of Waste Discharge Requirements section below for more information about the Waiver and project specific comments.

Project Summary

KNF proposes activities on 11,415 acres within a 31,572-acre Project planning boundary located within the East Fork Scott River Watershed. The Project planning boundary is located within a “checkerboard” ownership pattern of private and National Forest System (NFS) lands. The Project includes the following eight types of activities and treatments:

1. vegetation management treatments to improve forest health;
2. meadow enhancement by thinning encroaching conifers and erosion control measures;
3. oak woodland enhancement by thinning competing vegetation;
4. abandoned mine reclamation;
5. road sediment source reduction, including stormproofing and treatment of legacy sediment sites;
6. placement of large woody debris in streams;
7. travel analysis for the road network within the Project area; and
8. roadside fuels reduction and hazard tree removal.

Waiver of Waste Discharge Requirements

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

The Basin Plan contains water quality objectives, implementation plans for meeting those objectives, and other policies, including State Water Resources Control Board (State Water Board) and federal policies, which are applicable to operations on NFS lands. Water Code section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, must file with the appropriate Regional Water Board, a report of waste discharge containing such information and data as may be required. Pursuant to Water Code section 13260, Regional Water Boards prescribe waste discharge requirements (WDRs) except when it finds, pursuant to Water Code section 13269, that a waiver of WDRs for a specific type of discharge is in the public interest.

The State Water Board *Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (Nonpoint Source Policy) requires that nonpoint source discharges of waste be regulated by WDRs, waiver of WDRs, or prohibitions to ensure compliance with the Basin Plan. Additionally, the Project must be in compliance with any total maximum daily load (TMDL) for the watersheds in which a project will occur.

The Regional Water Board developed and adopted the Waiver as a means for USFS and nonpoint source projects to comply with the Nonpoint Source Policy, the Water Code, and TMDLs. In order to receive coverage under the Waiver, a project must meet specific eligibility criteria and conditions. The proposed Project is a Category B timber harvest project that includes fuel reduction, commercial and non-commercial timber harvest, and road reconstruction activities. The Waiver is available for review and can be downloaded at the following web address:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/forest_activities/US_forest_service/

Please accept the following comments based on our review of the scoping document:

1. Please provide the total acreage of each activity in the final National Environmental Policy Act (NEPA) document.
2. The Project proposal for abandoned mineland reclamation is described on page 16 of the scoping document. The description includes the following passage:

Abandoned mine sites will be evaluated for environmental and safety hazards and mitigated subject to State Occupational Health & Safety and Historic Preservation Office standards.

Please identify in the NEPA document what standard methods will be utilized to comply with OSHA standards and if these methods will include an analysis of metals contamination and/or potential for mine leachate to reach surface or groundwater. If OSHA standard methods will not evaluate the potential for leachate from abandoned mines to reach surface or groundwater, please propose an approach that does.

3. The Project proposal for large woody debris additions to streams is described on page 17 of the scoping document. In-stream restoration activities such as large woody debris placement typically require a Clean Water Act (CWA) section 404 permit and section 401 water quality certification. Anyone proposing a project that requires a federal permit or involves dredge or fill activities that may result in a discharge to U.S. surface waters and/or "Waters of the State" is required to obtain a CWA section 401 water quality certification and/or waste discharge requirements from the Regional Water Board verifying the project activities will comply with state water quality standards. The most common federal permit for dredge and fill activities is a CWA section 404 permit issued by the U.S. Army Corps of Engineers.

The Waiver does not provide water quality certification for activities requiring a CWA section 404 permit. Regional Water Board staff recommend the USFS contact the U.S. Army Corps of Engineers (Army Corps) and determine whether a CWA

Section 404 permit is required for placing large woody debris in watercourses within the Project area and provide the Army Corps' determination with the Category B Waiver Application. The Army Corps' determination would allow Regional Water Board staff to better determine whether waste discharge requirements or water quality certification is required for the proposed placement of large woody debris in the Project area.

Thank you for the opportunity to comment on the East Fork Scott Project. We would appreciate receiving copies of the environmental documents and wish to remain on the mailing list for future KNF projects.

If you have any questions, please contact Forest Fortescue at (707) 576-2595 or Forest.Fortescue@waterboards.ca.gov.

Sincerely,

Dean Prat
Senior Engineering Geologist
Northern Nonpoint Source and Forestry Unit

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