March 29, 2019

Ms. Patricia A. Grantham
Forest Supervisor
Attn: Maija Meneks
11273 North Highway 3
Fort Jones, CA 96032
mmeneks@fs.fed.us

Dear Ms. Grantham:

Subject: East Fork Scott Project EA, Klamath National Forest

File: USDA – Klamath National Forest (CW-754118)
Klamath NF East Fork Scott Project (CW-848348)

On March 1, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) received a letter from Klamath National Forest (KNF) requesting comment on the draft Environmental Assessment (draft EA) for the East Fork Scott Project (Project). The Project was developed by KNF staff to improve forest health and resilience, enhance meadow and oak woodland habitat, reduce sediment input from roads and abandoned mines, enhance riparian habitat and stream shade, and improve firefighter and public safety within the Project boundary. The Project is located in the Scott River Watershed on National Forest System (NFS) lands within the Salmon/Scott River Ranger District.

The purpose of this letter is to provide KNF with our comments on the draft EA. Additionally, we are providing information regarding compliance with the *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*, Order R1-2015-0021 (Waiver). Please see the Waiver of Waste Discharge Requirements section below for information about the Waiver and Project specific comments.

Project Summary

Alternative 2 is the preferred alternative identified in the draft EA. Alternative 2 proposes 8,888 acres of Project activities across a Project planning boundary of 7,450 acres. The area of Project activities exceeds the area within the Project planning boundary because some proposed activities overlap the same area. For example, vegetation management and prescribed burning can occur within same area. The Project planning boundary is located within a "checkerboard" ownership pattern of private and NFS lands.

Alternative 2 includes the following proposed activities:

1. 2,365 acres of thinning mid- and late-seral forest lands
2. 1,499 acres of thinning early seral forest lands
3. 2,062 acres of meadow enhancement

4. 338 acres of oak woodland enhancement
5. 2,374 acres of fuel reduction
6. 30 miles of hazard tree reduction
7. 1.1 stream miles/40 acres of Grouse Creek floodplain restoration
8. 0.5 stream miles of Little Houston Creek Gully Restoration
9. 4 stream miles of large woody debris placement
10. 15 abandoned mines proposed for reclamation
11. 16 watercourse crossings replaced for aquatic organism passage
12. 11 miles of existing temporary road to be re-opened and used
13. 4 miles of new temporary road construction
14. 24 new water drafting sites
15. Project-level Travel Analysis, resulting in the following changes to the NFS road system in the Project area:
    a. 9.5 miles of NFS road upgraded to Maintenance Level (ML) 2
    b. 0.5 miles of unauthorized route added to NFS road system
    c. 11.2 miles of NFS road downgraded to ML1
    d. 2.3 miles of road decommissioning
    e. 1.7 miles of existing NFS road to be decommissioned and re-routed
16. Treatment of 266 legacy sediment sites (LSS)

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 the 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 vegetation management project that includes timber harvest, fuel reduction, and road decommissioning 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 draft EA and draft Specialist Reports:

1. Please consult with the US Army Corps of Engineers to evaluate whether in-channel restoration activities proposed in the Project, including floodplain restoration and large woody debris placement, require a Clean Water Act (CWA) section 404 permit. Please refer to the Regional Water Board scoping comment letter for the Project dated June 27, 2018 for more information about permitting in-channel restoration activities.

2. On Page 29 of the draft EA, possible impacts from livestock on the proposed treatment of Grouse Creek are discussed in the following passage (emphasis added):

   > *A long-term result of the Grouse Creek floodplain restoration would be the conversion of an upland-dominated plant community to species more typical of wet meadow and riparian habitat.* ***Current livestock use of the floodplain in the project area is transient and restricted to a few animals. Livestock utilization may change if animals discover the new forage source. As discussed above, there is some uncertainty in this response; animals could concentrate within the site, resulting in detrimental impact to the new channel and delayed recovery of the floodplain.*** *However, a less extreme scenario is much more likely. The Grouse Creek site would need to be monitored following project implementation, if changes in use patterns are negatively affecting the results of the restoration work the terms of the annual operating permit would be altered to reduce the effects.*

   Please identify in the final EA what management measures would be incorporated into annual operating instructions for the grazing allotment to protect the in-channel restoration work proposed at Grouse Creek if grazing impacts are observed.

3. Please identify in the final EA whether the livestock referenced in the passage above could potentially access the watercourse from a KNF grazing allotment, adjacent private land, or both.

4. Page 36 of the draft EA contains a passage that states “the proposed action would thin about 237 acres of plantation within riparian reserves.” General Condition 4 of the Waiver states:

   > *Site-specific potential effective shade is defined as the shade on a watercourse equivalent to that provided by topography and potential vegetation conditions at a site. 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.*

   Please evaluate potential impacts to stream shade from Project activities in riparian reserves. If impacts to stream shade are identified, please include an exception to General Condition 4 in the Waiver application for the Project.

5. Table 8 on page 42 of the draft EA proposes activities at abandoned mine lands with public safety or resource concerns as part of the Project. Please note that Category B of the Waiver covers legacy sediment site treatments, road stormproofing, and road decommissioning activities on mine roads and pads, but does not authorize contaminated site cleanup, hazardous waste treatment, or disposal.

6. Table 8 on page 42 of the draft EA identifies three abandoned mine sites proposed for remediation that may have soil contamination issues. When studying these mine sites for appropriate treatment, please contact Regional Water Board staff to determine whether any proposed activities that are not covered by the Waiver will require compliance with any other state permits.

7. On page 94 of the draft EA, project design feature (PDF) Watershed-18 states (emphasis added):

   > *All temporary roads will be hydrologically restored at project completion, **which may include removal of culverts and fills at stream crossings**, out-sloping of road surfaces, obliteration of road segments, and water barring or covering with slash.*

   Please clarify Watershed-18 to state whether all culverts and fills at stream crossings on temporary roads will be removed.

8. On page 100 of the draft EA, PDF Fuels-A states (emphasis added):

   > *Where temporary roads are needed for accessing post-harvest fuels implementation activities, **temporary road hydrologic stabilization will not take place until all phases of project implementation are completed.** Project design features for properly stabilizing temporary roads post implementation will be followed after completion of fuels activities.*

   Regional Water Board staff assume that fuel reduction treatments may occur many years after the original vegetation treatment is complete. Please clarify how long "post-harvest fuels implementation activities" referenced in PDF Fuels-A are expected to continue and whether any culverted stream crossings on any temporary roads are proposed to be left in place during any winter period.

9. On page 101 of the draft EA, PDF Watershed-G states (emphasis added):

   > *Within mid- and late-seral units that include a large woody debris treatment prescription and along hazard tree abatement corridors, **trees marked for harvest must not be integral to streambank integrity**.*

   Please provide additional information and guidance in the draft EA for identifying trees that are "integral to streambank integrity." Additionally, please refer to comment 4 in this comment letter and evaluate the proposed LWD installation activities will reduce site potential effective shade. Below is an example of guidance that Regional Water Board staff developed in collaboration with a private timber company for identifying trees that contribute to bank stability (referred to below as "channel zone trees"):

Channel zone trees at the following locations shall be retained:

- *Within over-steepened headwall swales.*
- *When located at the watercourse slope transition point and an obvious increase in down cutting of the watercourse channel is occurring below this point.*
- *On unstable areas where the tree is stable and contributing to the stability of the channel.*
- *On decomposed granitic soils where downcutting is occurring in the watercourse channel.*
- *Where soil has accumulated and is perched upslope of the channel tree.*
- *When a tree is in the channel (or close proximity) and not just an individual root. In other words, give a weighted average to the trees value in the channel based on proximity.*

10. Beginning on page 130 of the draft EA, Appendix F contains details of silvicultural treatment and post-harvest retention standards by harvest unit. However, Appendix F does not express post-harvest retention standards with a set method, instead each unit may be described with basal area retention, average spacing between stems, both, or neither.

    Regional Water Board staff did not find any place in the draft EA or specialist reports where a consistent post-harvest retention method was applied to each unit. Please describe proposed retention standards in the final EA with a consistent method for each unit.

Thank you for the opportunity to comment on the East Fork Scott Project. We wish to remain on the mailing list for future KNF projects.

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

Sincerely,

Jonathan W. Warmerdam

Digitally signed by Jonathan Warmerdam
Date: 2019.03.29 08:55:01 -07'00'

Water Boards

Jonathan Warmerdam
Environmental Program Manager
Nonpoint Source & Surface Water Protection Division

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