
North Coast Regional Water Quality Control Board

February 25, 2020

Ms. Ruth D'Amico
District Ranger
ATTN: Ms. Danika Carlson
Salmon/Scott Ranger District
Klamath National Forest
11263 North Hwy 3
Fort Jones, CA 96032
ruth.damico@usda.gov

Dear Ms. D'Amico:

Subject: Scoping Comments – South Fork Project, Klamath National Forest

File: USDA USFS Klamath National Forest (CW-754118)
Klamath NF South Fork Project (CW-864923)

On January 23, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received the public scoping document (Scoping Document) for the proposed Klamath National Forest South Fork Project (Project). Klamath National Forest (KNF) proposes to prepare an Environmental Assessment for the Project. The purpose of the Project is to provide safer ingress and egress for firefighters, neighboring communities, and private residences along the South Fork Salmon River Road and to improve the health and resiliency of the conifer stands and meadows within the Project area. The Project is located in the Scott River Hydrologic Area (HA) in the Salmon/Scott Ranger District.

The purpose of this letter is to comment on the activities proposed in the Project Scoping Document. Additionally, we are providing you with 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 and Comments sections below for more information about the Waiver and Project-specific comments.

Project Summary

KNF staff are proposing the Project to:

- provide safe ingress and egress for public and firefighting resources;
- improve and promote the health and resiliency of forested lands to insects, disease and the potential effects of climate change;
- reduce risks to forest and private lands from negative effects of large-scale wildfire;
- restore degraded meadow structure due to conifer encroachment and absence of fire; and
- reduce the risk of overhead hazard impacts to the public in recreation areas and along forest roads.

The Proposed Action proposes to treat 3,320 acres within the 7,690-acre Project area with a combination of variable density thinning, fuel break construction around private property, and prescribed fire. The Proposed Action also proposes to construct up to one mile of temporary road and, if necessary, new landings.

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 within California 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 within California. 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 all 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 Waiver is 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/

Comments

Please accept the following comments based on information provided in the Project Scoping Document:

1. Category B of the Waiver applies to activities with a moderate potential impact to water quality. Timber harvest and road construction activities are subject to coverage under Category B of the Waiver. Category B projects require the USFS to apply for coverage under the Waiver. Please find Category B conditions and requirements on pages 24-34 of the Waiver.
2. The Access section of Page 6 of the Scoping Document states that up to one mile of new temporary road may be constructed. The Landings section on Page 7 of the Scoping Document states that existing lands will be used where possible, implying that new landings may be constructed. The Landings section also states that both existing and new temporary roads and landings would be closed and hydrologically stabilized following project implementation. However, the Scoping Document does not appear to include information on the presence and/or use of Maintenance Level 1 roads in the Project area. Maintenance Level 1 roads are also typically blocked to vehicle traffic after use and receive only basic custodial maintenance.

The 2012 National Core BMP Manual, Volume 1 (National BMP Manual) contains BMP Roads-6, which provides guidance for Maintenance Level 1 roads. BMP-6 is located on page 115 of the National BMP Manual and states:

Avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources by storing closed roads not needed for at least 1 year (Intermittent Stored Service) and decommissioning unneeded roads in a hydrologically stable manner to eliminate hydrologic connectivity, restore natural flow patterns, and minimize soil erosion.

Roads not needed for access for long periods (greater than 1 year) may be put into storage (Intermittent Stored Service—Maintenance Level 1) to reduce maintenance costs. Level 1 roads receive basic

custodial maintenance focusing on maintaining drainage facilities and runoff patterns to avoid or minimize damage to adjacent resources and to perpetuate the road for future use. The integrity of the roadway is retained to the extent practicable and measures are implemented to reduce sediment delivery from the road surface and fills and reduce the risk of crossing failure and stream diversion.

BMP Roads-6 also contains the following information regarding evaluating roads for storage:

Evaluate all stream and waterbody crossings for potential for failure or diversion of flow if left without treatment.

- *Use suitable measures to reduce the risk of flow diversion onto the road surface.*
- *Consider leaving existing crossings in low-risk situations where the culvert is not undersized, does not present an undesired passage barrier to aquatic organisms, and is relatively stable.*
- *Remove culverts, fill material, and other structures that present an unacceptable risk of failure or diversion.*
- *Reshape the channel and streambanks at the crossing-site to pass expected flows without scouring or ponding, minimize potential for undercutting or slumping of streambanks, and maintain continuation of channel dimensions and longitudinal profile through the crossing site.*
- *Use suitable measures to avoid or minimize scour and downcutting.*
- *Use suitable measures to ensure that the road surface drainage system will intercept, collect, and remove water from the road surface and surrounding slopes in a manner that reduces concentrated flow in ditches, culverts, and over fill slopes and road surfaces without frequent maintenance.*
- *Use suitable measures to stabilize unstable road segments, seeps, slumps, or cut or fill slopes where evidence of potential failure exists.*

If any Maintenance Level 1 roads in the Project area currently contain culverted watercourse crossings, KNF shall address in the NEPA document how BMP Roads-6 will be implemented. If watercourse crossings will remain on Maintenance Level 1 roads at the conclusion of Project activities, KNF shall identify in the NEPA document and/or the Waiver application how KNF plans to inspect and maintain those crossings.

3. On April 8, 2015, the Regional Water Board adopted Resolution No. R1-2014-0016, Amending the Water Quality Control Plan for the North Coast Region to

include the *Policy for the Implementation of the Water Quality Objectives for Temperature, and Action Plans to Address Temperature Impairments in the Mattole, Navarro, and Eel River Watersheds* (Temperature Policy). The Temperature Policy directs Regional Water Board staff to address protection of water temperature in permits. Retention of shade in riparian zones, including through implementation of riparian reserves, is how we address this requirement in the Waiver. General Condition 4 (page 19 of the Waiver) describes how the Waiver implements the Temperature Policy. In part, General Condition 4 states:

USFS shall manage and maintain designated riparian zones ... to ensure retention of adequate vegetative cover that results in natural shade conditions ... 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.

Page 2 of the Scoping Document states that approximately thirty-seven percent of the Project treatment area will occur within riparian reserves. The Waiver application for the Project shall include a request and justification for an exception to General Condition 4 if proposed treatments may reduce site potential effective shade in riparian reserves.

4. A portion of Category B Condition 1 (page 24 of the Waiver) states:

The USFS shall actively address all legacy sediment sites (as defined in Finding No. 34) for Category B projects. All legacy sediment sites for Category B projects must be identified, inventoried, prioritized, scheduled, and implemented for treatment as part of the Category B project activities. The inventory shall be submitted to the Regional Water Board during project development.

Please identify, inventory, prioritize, and prepare a schedule for treatment for all legacy sediment sites contained within the Project area. Enrollment of the Project under Category B of the Waiver requires implementation of the legacy sediment site treatment plan during the life of the Project.

5. Waiver General Condition 9 (page 20 of the Waiver) states:

The USFS shall include specific on-the-ground prescriptions designed to meet the USFS BMPs within the environmental document prepared pursuant to NEPA. The specific prescriptions

shall also be included in all contracts, grazing permits, agreements, and other instruments used to direct the activities of contractors, grazing permittees, USFS personnel, volunteers, or any other third parties specified in this Waiver. The intent is to provide clarity and transparency in how the BMPs will be implemented and to facilitate the monitoring of BMP implementation (Monitoring and Reporting Program, Section III.A).

Waiver General Condition 10 (page 20 of the Waiver) states:

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 and any other third parties specified in this Waiver and notify them of their responsibilities to comply with the Waiver.

Category B project applications require the submittal of copies of the relevant portions of all environmental documents that set out the details of a project. Especially important are descriptions of project design features and on-the-ground prescriptions that implement BMPs relating to water quality. Additionally, copies of the on-the-ground prescriptions and the Waiver shall be provided to purchasers, contractors, or other third parties.

Thank you for the opportunity to comment on the 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 feel free to contact Devon Jorgenson at (707) 576-2701 or Devon.Jorgenson@waterboards.ca.gov.

Sincerely,

Forest Fortescue
Senior Engineering Geologist
Northern Nonpoint Source and Forestry Unit

200225_DCJ_dp_KNF_SouthFork_ScopingComments

cc: Greg Laurie, gregory.laurie@usda.gov
Danika Carlson, danika.carlson@usda.gov
Kelcy Huston, kelcy.huston@usda.gov