
North Coast Regional Water Quality Control Board

May 11, 2022

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1323 Club Drive
Vallejo, CA 96002

Subject: Draft Environmental Assessment – USFS Region 5 Post Disturbance
Hazardous Tree Management

File: USDA USFS Pacific Southwest Region (CW-817444)
Post Disturbance Hazardous Tree Management (CW-877567)

Dear Jennifer Eberlien,

The North Coast Regional Water Quality Control Board (Regional Water Board) appreciates the opportunity to comment on the Draft Environmental Assessment (Draft EA) for the Region 5 Post Disturbance Hazardous Tree Management Project (Project). Activities proposed in the North Zone Region of the Project include portions of Mendocino, Six Rivers, Klamath, and Shasta-Trinity National Forests. This letter provides recommendations for project design and provides 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).

Project Summary

The Project proposed felling and removal of hazardous trees adjacent to roads, trails, and facilities within Mendocino, Six Rivers, Klamath, and Shasta-Trinity National Forests recently affected by wildfires located in the North Coast Region. The proposed Project planning area includes all four forests and the recent wildfire perimeters within the North Zone which totals approximately 189,770 acres. The proposed activities for the North Zone region of the Project include hazard tree abatement along 2,708 miles of roads, 341 miles of trails, and 152 recreation sites or facilities.

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 Federal 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 federal 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 comply 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 federal agencies 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 our review of the Draft EA:

1. Some of the activities identified in the Draft EA, such as vegetation management for the purpose of roadside hazard removal, qualify for the low risk, or Category A, tier of the Waiver. However, other activities proposed in the Draft EA qualify as having a moderate risk to water quality and are considered Category B activities. See our comments below for specific examples.

2. The large spatial extent and number of different activities proposed in the Project may have the potential to increase water quality impacts. Therefore, each project at a National Forest-level that tiers off the programmatic EA for the Project will require individual review by Regional Water Board staff and coverage under the appropriate Waiver category. See Comment 4 below for additional information.
3. Projects proposed by each National Forest may cross Regional Water Board boundaries. Please be advised that projects that span Regional Water Board boundaries are subject to different requirements and/or enrollments based on the appropriate Regional Water Board jurisdiction.
4. Based on staff evaluation of the Draft EA, certain activities included in this larger Project do not meet the requirements for Category A enrollment under the Waiver. Review of the Draft EA identified the potential for skid trail or temporary road watercourse crossing installation (Project Design Feature (PDF) HA-4 and HA-13), landing construction, reconstruction, and the potential use of existing landings within Riparian Reserves (PDF HA-14). These road-related actions are considered moderate risk, or Category B, activities. General Condition 35 of the Waiver identifies that projects with a mix of Category A and B activities shall be considered Category B projects. Any project that those activities should prepare an application for coverage under Category B.
5. Page 9 of the Draft EA contains the statement that “No new temporary or permanent road construction is proposed for this project.” PDF HA-10 states that “Heavy equipment – EEZ – off-road heavy equipment access is prohibited. This includes skidders, forwarders, masticators, chippers, etc. Heavy equipment may operate from the roadway within the EEZ.”

However, the restrictions referenced above may be lifted by consulting with a riparian specialist based on the conditions of PDF HA-4: “Designated skid trails crossing ephemeral stream channels may be approved for access to otherwise inaccessible areas, but only upon consultation with a riparian specialist.” Another example is PDF HA-13: “Stream crossings – There would be no temporary stream crossings, except where approved by an aquatic specialist.” Based on staff review of these referenced PDFs, we are not clear whether some of the PDFs are mandatory. Please clarify in the Final EA whether watercourse crossing installation is proposed in this Project.

6. Page 9 of the Draft EA states “Chipped materials may be removed or left on site when appropriate in place of piling. Chips would not be placed into roadside gutters or onto roadside cut banks.” Please include language in the Final EA which clarifies whether chips will or will not be placed near the inlets or outlets of drainage structures.

7. At various points within Appendix B of the Draft EA, there is flexibility built into PDFs to exceed the general requirements of the Project with input from technical staff (see RWB Comment 5 above for an example). Please describe in the final NEPA document whether sales contracts or other project implementation instruments will identify the specific locations where site-specific flexibility will be utilized, or whether this would be an on-the-ground decision during Project implementation.
8. On Page 62 of the Draft EA, PDF SA-3 identifies thresholds for soil moisture using the USFS Erosion Prevention and Control standards. What other wet weather operations mitigations will be implemented as part of the Project?
9. On Page 66 of the Draft EA, PDF HA-9 states “Trees providing bank stability on fish bearing streams should not be cut where possible (where they don’t pose an imminent threat to life and safety).” Will intermittent and ephemeral channel zone trees also be retained? Please clarify.

Thank you for the opportunity to comment on the Post Disturbance Hazardous Tree Management Project. We would appreciate receiving copies of the environmental documents and wish to remain on the mailing list for future USFS Pacific Southwest Region 5 projects.

If you have any questions, please contact me at forest.fortescue@waterboards.ca.gov.

Sincerely,

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Senior Engineering Geologist

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