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## North Coast Regional Water Quality Control Board

May 24, 2022

Mr. Drew Stroberg  
District Ranger  
Goosenest Ranger District  
Klamath National Forest  
37805 Hwy 97  
Macdoel, CA 96058  
[drew.stroberg@usda.gov](mailto:drew.stroberg@usda.gov)

Dear Mr. Stroberg:

Subject: Scoping Comments – Antelope and Tennant Fire Recovery Project,  
Klamath National Forest

File: USDA USFS Klamath National Forest (CW-754118)  
Klamath NF Antelope and Tennant Recovery Project (CW-881296)

The North Coast Regional Water Quality Control Board (Regional Water Board) appreciates the opportunity to comment on the proposed Antelope and Tennant Recovery Project (Project). The purpose of this letter is to comment on the activities proposed in the Project. 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 section below for more information about the Waiver and project specific comments.

### Project Summary

On May 12, 2022, the Regional Water Board received the public scoping document (Scoping Document) for the Antelope and Tennant Fire Recovery Project (Project). The Project is located in the Goosenest Ranger District and contains a proposal to treat up to 56,504 acres within the 116,370-acre project boundary. The Project includes twelve types of treatment: roadside hazard tree removal; salvage for site preparation; site preparation for reforestation – competing vegetation control; site preparation for reforestation – fire damaged soils; planting; release; mastication; underburn; meadow and riparian restoration; native grass seeding; dwarf mistletoe sanitation; and water systems repair and replacement. The Little Horse Peak Water System and the Kelly Pass Water System have water system components proposed for repair and replacement along a combined 14 miles.

Approximately 9 miles of existing temporary roads and 8 miles of new temporary roads are proposed. Once the project is completed, the temporary roads would be hydrologically stabilized and closed. Additionally, a legacy sediment site inventory is currently ongoing, and a legacy site treatment plan will be presented in separate decision memo.

### **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 MoNF 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/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/timber_operations/timber_waiver/)

## Comments

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

1. Some actions, such as emergency hazard tree removal along major roads, may need to be implemented prior to the finalization of the NEPA document for the project and thus the preparation of a Category B enrollment application for the Project. Category B Waiver Application Procedures Condition C.7 on page 29 states the following:

*For portions of any fire recovery project subject to the emergency exemption, the USFS shall describe (in the Category B Waiver Application) how the project meets the description under California Code of Regulations, title 14, section 15269, and the following additional information.*

- *How the project is designed to minimize disturbance to riparian reserves (including roads and landings);*
- *Avoidance measures (i.e. no wet weather operations, road treatments, slash pile placement, etc.); and*
- *Any additional water quality protection measures.*

If emergency hazard abatement activities are conducted prior to the issuance of the NEPA document, then please provide the required information in Category B Waiver Application Procedures Condition 7.a-c in the Category B Waiver application for the project. Please provide a Category B application for the Project immediately upon issuance of the NEPA document.

2. Page 15 of the Scoping Document discusses temporary road usage. Blocking and hydrologically stabilizing temporary roads to vehicle traffic after use is appropriate. Review of the Scoping Document does not include information on the Maintenance Level 1 roads shown on detail maps. Maintenance Level 1 roads are 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.

Please add additional information describing the Maintenance Level 1 roads including descriptions of any watercourse crossings. If any watercourse crossings will remain on Maintenance Level 1 roads at the conclusion of Project activities, KNF should identify in the NEPA document and/or the Waiver application how KNF plans to inspect and maintain those crossings

3. Project Design Feature Watershed-17 on page 25 of the Scoping Document states:

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

Please identify in the Final EA whether any of the new or existing temporary roads contain watercourse crossings, and if so please provide details on the use of these crossings during the winter period.

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 Benjamin Minx at (707) 576-2690 or [Benjamin.Minx@waterboards.ca.gov](mailto:Benjamin.Minx@waterboards.ca.gov).

Sincerely,

Jonathan Warmerdam  
Environmental Program Manager I  
Nonpoint Source and Surface Water Protection Division

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cc: Lisa Bousfield, [lisa.bousfield@usda.gov](mailto:lisa.bousfield@usda.gov)