

Data Submitted (UTC 11): 2/20/2020 8:00:00 AM

First name: Jonathan

Last name: Warmerdam

Organization: North Coast Regional Water Quality Control Board

Title: Division Chief

Comments: Dear Mr. Sullens:

Subject: Draft Environmental Assessment - Oak Knoll Range Project, Klamath National Forest

File: USDA USFS Klamath National Forest (CW-754118)

Klamath NF Oak Knoll Range Project (CW-863257)

On January 21, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a request for comment on the draft Environmental Assessment (Draft EA) for the proposed Klamath National Forest (KNF) Oak Knoll Range Project (Project). The purpose of the Project is to authorize the continuation of livestock grazing and implement monitoring and adaptive management strategies on 49,117 acres of National Forest System (NFS) lands within the East Beaver, Hornbrook, and Ash Creek Allotments. The Project is located in the Middle Klamath River Hydrologic Area (HA) in the Happy Camp/Oak Knoll Ranger District.

The purpose of this letter is to provide KNF with our comments on the Project 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 (2015 Waiver). Please see the 2015 Waiver of Waste Discharge Requirements and Comments sections below for information about the 2015 Waiver and Project-specific comments.

Project Summary

The Project area encompasses three livestock grazing allotments - East Beaver, Hornbrook, and Ash Creek - amounting to 85,411 acres on both NFS and private lands (Table 1). The Project is located within the Beaver Creek, Cottonwood Creek, and Klamath River-Humburg Watersheds in the Middle Klamath River HA in Siskiyou County, California. A portion of the northern East Beaver Allotment is located in Jackson County, Oregon. The previous grazing permit for the Project area was issued by KNF in an Environmental Analysis that was signed on December 29, 2010 (2010 EA). The 2010 EA authorized grazing in the Project area for ten years. The 2010 authorization of grazing in the Project area expires in 2020.

The Proposed Action includes the reauthorization of livestock grazing on NFS lands within the Project area, implementation of a livestock enclosure at lower Cow Creek, and monitoring and adaptive management strategies. Livestock grazing will occur between April 1 and October 31.

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, [sect]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 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 2015 Waiver as a means for the United States Forest Service (USFS) and nonpoint source projects to comply with the Nonpoint Source Policy, the Water Code, and TMDLs. In order to receive coverage under the 2015 Waiver, a project must meet specific eligibility criteria and conditions. The 2015 Waiver is available for review and can be downloaded at the following web address:

https://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 Draft EA:

1. The three grazing allotments in the Project area are currently enrolled in Category B of the Waiver of Waste Discharge Requirements for Nonpoint Source Activities on National Forest System Lands in the North Coast Region, Order No. R1-2010-0029 (2010 Waiver). On page 27 of the 2015 Waiver, Category B Condition 10 states, "Activities must be conducted in accordance with the project description in the accompanying USFS NEPA document, including any project modification and the specific on-the-ground prescriptions designed to implement the BMPs identified to avoid any adverse impact(s) to water quality." Because the 2010 EA authorized grazing in the Project area through 2020 and draft EA proposes to reauthorize grazing for another permit term, KNF is required to submit an application for enrollment of the Project in Category B of the 2015 Waiver. The application must be submitted after the Project NEPA decision is signed and prior to any reissuance of livestock grazing permits. Category B conditions and requirements are located on pages 24-34 of the 2015 Waiver.
2. Page one of the Draft EA states that the Project is located in Siskiyou County, California, and Jackson County, Oregon. The 2015 Waiver does not cover activities on NFS land outside of California. Please identify the Project acreage located in Siskiyou County, California in the 2015 Waiver application for the Project.

3.

Page eight of the Draft EA states that monitoring in the East Beaver Allotment will include range readiness, Multiple Indicator Monitoring (MIM), and Best Management Practices Effectiveness Program (BMPEP) implementation, but the Ash Creek and Hornbrook Allotments would be limited to range readiness monitoring due to limited access and lack of sensitive areas. Please clarify in the final EA what constitutes a "sensitive area" and how it affects MIM and BMPEP implementation on the Ash Creek and Hornbrook Allotments.

4.

Page eight of the Draft EA states that monitoring in the East Beaver Allotment will include BMPEP monitoring. Page 12 of the draft EA contains the following passage: "Onsite evaluations are currently conducted using the Forest Service National BMP Grazing Management Protocol[ellip]". Please clarify in the final EA whether all BMP evaluations use the National BMP standard or if any evaluations use the older Regional BMPEP protocols.

5.

Page nine of the Draft EA states that MIM would be implemented in riparian areas to understand potential riparian impacts of the Proposed Action. It also states that one MIM sampling plot is already established in the Cow Creek Unit of the East Beaver Allotment. Are new MIM sampling plots proposed in the East Beaver Allotment?

6.

2015 Waiver General Condition 9 (page 20) 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).

2015 Waiver General Condition 10 (page 20) 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.