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COMMENTS ON PROPOSED ACTION FOR THE REGION 5 POST-DISTURBANCE HAZARDOUS TREE MANAGEMENT PROJECT

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff, reviewed the public scoping notice for the Region 5 Post-Disturbance Hazardous Tree Management Project (Project). United States Forest Service Pacific Southwest Region (Region 5) prepared the document in compliance with provisions of the National Environmental Policy Act (NEPA). Water Board staff is providing comments on this Project for activities applicable to Water Board statutory responsibilities and regulatory authority. Our comments in this letter provide information that will support regulatory compliance, permit development, and timely implementation of the Project.

PROJECT DESCRIPTION

The primary purpose for the Project is to provide for public health and safety in recently burned areas by mitigating hazards proposed by tree hazards. Tree hazards include dead or dying trees, dead parts of live trees, or unstable live trees (due to structural defects or other factors) that are within striking distance of people or property. Hazard trees may cause property damage, personal injury, or fatality in the event of a failure. Hazard tree felling, removal, and fuel reduction is proposed in burned areas, identified by wildfire name (also referred to as project areas) within nine national forests within the North, Central Sierra and Southern Sierra sub-regional zones.

Region 5 proposes to take the following actions within the project areas: 1) identification, felling, and removal of hazardous trees and removal of trees already felled during fire suppression or rehabilitation activities, along high use roads (Maintenance Level 2, 3, 4 and 5 NFS roads, County roads and Highways) and within and adjacent to developed facilities on NFS lands; 2) maintain roads, trails, and facilities; and, 3) use of design features to minimize potential negative effects

WATER BOARD AUTHORITY

All groundwater and surface waters are considered waters of the state and are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the state are also waters of the U.S. The Federal Clean Water Act (CWA) provides protection for waters of the State that are also waters of the U.S.

The Water Quality Control Plan for the Lahontan Region (Basin Plan) sets forth water quality standards for surface water and groundwater of the Lahontan Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

PERMITS REQUIRED

The following item provides a description of permit coverage that will be required to implement the Project as proposed in the Scoping document. These comments are specific to those Project activities that occur in the Lahontan Water Board Region.

Lahontan 2014 Timber Waiver (renewed on March 13, 2019)

Project activities in the Lahontan Water Board Region that include timber harvest and vegetation management activities¹ will require coverage under the 2014 Timber Waiver. The 2014 Timber Waiver and all attachments may be found on our website at:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/waste_discharge_requirements/timber_harvest/timberwaiver.shtml

Please review the 2014 Timber Waiver criteria and conditions while developing specific resource protection measures and design features for the proposed Project. By understanding the 2014 Timber Waiver's criteria and conditions, you can tailor your project design features to incorporate those requirements, which will streamline

your 2014 Timber Waiver application process and avoid project delays.

Please note that the 2014 Timber Waiver uses a watercourse classification system which categorizes watercourses according to their biologic habitat and ability to transport sediment, as defined by the California Code of Regulations, title 14, rather than just by flow regime. This watercourse classification determines the necessary buffer zone width for that watercourse (see Attachment B of the 2014 Timber Waiver).

To expedite review of your Timber Waiver application, please clearly indicate in your waiver application maps the classification of all watercourses in the Project area, and the location of proposed operations and pile burning within Waterbody Buffer Zones (WBBZs). Be sure to clearly state the mitigation measures you will employ in buffer zones where equipment operations are proposed. Examples of design features for pile burning in WBBZs are listed in Attachment Q of the 2014 Timber Waiver; reviewing the Timber Waiver's Category 6 and Attachment N will help you understand certain conditions which must be met to work in WBBZs.

Of specific focus for future Project enrollment under the 2014 Timber Waiver, please note that projects that propose timber harvest and vegetation management activities on linear features such as roads, trails, or utility corridors, are not eligible for coverage under Category 1 in the 2014 Timber Waiver. Additionally, please note that non-emergency activities initiated more than 60 days of a wildfire being controlled are not eligible for coverage under Category 3 of the 2014 Timber Waiver.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Lahontan Water Board must comply with CEQA whenever it takes a discretionary action. Based on scoping document Project description, the Water Board anticipates that all the proposed Project tasks will be implemented under the Lahontan Water Board's 2014 Timber Waiver. In order to obtain CEQA coverage under the 2009 Mitigated Negative Declaration referenced in the 2014 Timber Waiver, the 2014 Timber Waiver enrollee must comply with the General Conditions and all applicable general and category-specific conditions of the 2014 Timber Waiver.

CONCLUSION

Thank you for providing Water Board staff the opportunity to make comments on this Project. The intent of this letter is to support regulatory compliance, permit development, and timely implementation of the Project. Please contact me at adam.henriques@waterboards.ca.gov or (530) 542-5439 with any questions regarding the content in this letter, or to schedule a meeting to discuss future permit requirements.

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