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Comments on the Preliminary Environmental Assessment for the Forest-wide Prescribed Fire Restoration Project

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff, reviewed the Preliminary Environmental Assessment (PEA) for the Forest-Wide Prescribed Fire Restoration Project (Project). United States Forest Service Humboldt-Toiyabe National Forest (HTNF) prepared the document in compliance with provisions of the National Environmental Policy Act (NEPA). Water Board staff comments in this letter apply to Project activities proposed within the Lahontan Region and are provided under applicable Water Board statutory responsibility and regulatory authority. Comments in this letter provide information that will support regulatory compliance with Water Board requirements, future permit development, and timely implementation of the Project.

PROJECT DESCRIPTION

The purpose of the Project is to increase the amount of annual prescribed burning each year over the next 15 to 20 years to increase resilience of existing vegetation, restore or maintain proper ecological function to native vegetation communities and wildlife habitats, improve firefighter and public safety, and promote fire adapted communities within the wildland-urban interface. The proposed Project would authorize multiple prescribed burns across the HTNF per year, each ranging from 500-10,000 acres in size, where needed to restore fire-dependent ecosystems on national forest system lands managed by HTNF. The proposal excludes lands within Congressionally Designated Wilderness and Research Natural Areas.

Actions, and respective activities, proposed to achieve the Project purpose include:

* Pre-Treatment Actions (Burn Preparation)

- o Hand thinning, slashing, and pile burning
- o Fireline construction
- o Mechanical chipping and mastication of ladder fuels
- o Limited cross-county motorized travel, where resource conditions allow

* Prescribed Fire Application

- o Underburning

- o Broadcast burning

- o Jackpot burning

- o Pile burning

- * Post-treatment Actions

- o Monitoring

- o Rehabilitation of disturbed areas where determined by post-implementation monitoring that natural revegetation is not possible

- o Addressing existing or new invasive species populations

- o Monitoring to determine when to permit grazing re-entry

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 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 PEA. These comments are specific to those Project activities that occur in the Lahontan 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 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 future Timber Waiver applications, 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). Examples of design features for pile burning in WBBZs are listed in Attachment Q 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 the Project description in the PEA, the Water Board anticipates that proposed Project actions and activities will be eligible for coverage under the 2014 Timber Waiver. In order to obtain CEQA coverage under the 2009 Mitigated Negative Declaration referenced in the 2014 Timber Waiver, the Project must comply with the General Conditions and all applicable category-specific conditions of the 2014 Timber Waiver.

For projects that do not qualify for the 2014 Timber Waiver, the Water Board is required to issue individual Waste Discharge Requirements (WDRs) to regulate real and threatened waste discharges to waters of the state. If activities regulated by WDRs do not qualify for a CEQA Categorical Exemption, regulations direct us to work with federal agencies to streamline the environmental review process by preparing a combined environmental document (a NEPA/CEQA-compliant document). Water Board staff will work with your agency to supplement this Environmental Assessment to fully comply with CEQA, including compliance with all applicable public notification and involvement requirements, if a combined environmental document is necessary.

CONCLUSION

Thank you for providing Water Board staff the opportunity to make comments on this 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.

Adam Henriques Environmental Scientist

1 Timber harvest and vegetation management activities, defined in Attachment A of the 2014 Timber Waiver, and means all activities related to the management of vegetation for the purposes of fuel reduction; forest thinning; and/or environmental improvement (such as forest enhancement, riparian enhancement, and aspen stand enhancement); prescribed burning; cutting or removal of trees and vegetation, together with all the work incidental thereto, including, but not limited to, construction, reconstruction, maintenance, and decommissioning of roads, fuel breaks, stream crossings, landings, skid trails, or beds for the falling of trees; burned area rehabilitation, hazard tree removal; site preparation