

Data Submitted (UTC 11): 9/15/2022 7:00:00 AM  
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Comments: Please see the attached comment letter.

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff received the invitation for comments letter dated 17 August 2022 for the Creek Fire Ecological Restoration Project. We wish to take this opportunity to provide the following comments based on review of the supplied Draft Environmental Assessment:

[bull] Table 14 of the Draft Environmental Assessment proposes an Equipment Exclusion Zone (EEZ) of 50 feet for perennial watercourses and an EEZ of 20 feet for Class II and III watercourses. No EEZs are provided for Class IV or V watercourses or special aquatic features. Central Valley Water Board staff do not believe the proposed EEZs are sufficient to protect water quality. The EEZs are much smaller than in other Environmental Assessments completed by the U.S. Forest Service for projects in the Creek Fire burn area. For example, the Region 5 Southern Sierra Zone Post-Disturbance Hazardous Tree Management Project Draft Environmental Assessment proposes EEZs between 50 and 400 feet for perennial, intermittent, and ephemeral streams as well as special aquatic features, lakes, wetlands, springs, landslide areas, seeps, wet/sensitive areas, and meadows (p. 64). The proposed EEZs for the Creek Fire Ecological Restoration Project also do not meet the requirements proposed in the Land Management Plan for the Sierra National Forest, Pre-objection Version (June 2022), which specifies EEZ widths of 100 feet for perennial streams, meadows, springs, and seeps, 75 feet for intermittent streams, and 25 feet for ephemeral streams (p. 178). Please reevaluate the EEZs for the Creek Fire Ecological Restoration Project to make sure water quality is adequately protected during project operations and that EEZs are consistent with U.S. Forest Service guidance documents.

[bull] Design Feature- Watershed 4 states "Within streamside management zones, trees that are to be felled and left should be felled in the direction of natural fall (if practical and possible)." Central Valley Water Board staff are concerned that this practice could result in excess slash and woody debris entering watercourses, disturbance to soil and riparian vegetation, bank instability, and the potential for significant effects to downstream drainage structures. Trees should not be placed or felled across, into, or adjacent to watercourses or other aquatic features except where approved by an appropriate resource specialist for habitat restoration and when it has been determined that the materials do not have the potential to cause significant impacts to downstream drainage structures. Standard water quality best management practices, such as those in the California Forest Practice Rules, state that trees should be felled away from watercourses (14 CCR 956.3).

[bull] Please include Central Valley Water Board staff on the project mailing list to receive the annual updated implementation schedules mentioned on page 12 of the Draft Environmental Assessment.

#### General Information

Post-fire timberland management activities on federal lands, such as fire salvage and post-fire hazard tree removal for commercial purposes, are required to be covered under Category 5A of the General Order for Waste Discharge Requirements for Discharges related to Timberland Management Activities, Order R5-2017-0061 (General Order). Automatic enrollment will occur after the U.S. Forest Service submits copies of final project specific decision/NEPA documents that contain information documenting compliance with Category 5A eligibility criteria, found in Part III.F.1 of the General Order, to the Central Valley Water Board. Emergency work conducted during or immediately after (within 60 days) the fire is excluded from this requirement.

Automatic enrollment provides the U.S. Forest Service the opportunity to begin operations in a timely manner and time to complete a Notice of Intent (NOI) and Erosion Site Table. Both must be submitted to the Central

Valley Water Board within 30 days of the startup of operations to remain in compliance with the General Order. Please include all new and reconstructed watercourse crossings in the Erosion Site Table. The U.S. Forest Service is required to provide timely amendments of the Erosion Site Table to the Central Valley Water Board throughout project enrollment when conditions or management objectives have changed.

If pesticides will be applied following the fire, the U.S. Forest Service is required to either submit a Post-Fire Management and Reforestation Plan (PFP) (see Attachment C of the General Order) or comply with the conditions for pesticide use as described in Part III.F.3.c.ii of the General Order.

The U.S. Forest Service is required by the General Order to notify the Central Valley Water Board each year, at least 15 days prior to start of operations, for all projects enrolled under the General Order.

The U.S. Forest Service is responsible for complying with all conditions specified in Attachment B, Monitoring and Reporting Program, of the General Order. Category 5A projects will be subject to Implementation, Forensic, and Effectiveness Monitoring and the U.S. Forest service will be required to provide an Annual Summary of Operations and amendments/updates to the Erosion Site Table and PFP.

Once all project activities are complete, the U.S. Forest Service is required to seek termination of coverage in accordance with Part V.A. (Termination of Coverage) of the General Order.

The General Order and associated documents are available at the following web address. In addition, enclosed is a Flowchart for Category 5A projects.

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/forest\\_activities/](https://www.waterboards.ca.gov/centralvalley/water_issues/forest_activities/)

Please note that nonpoint source activities, such as crossing replacement and meadow restoration, that are not covered by the General Order may require other Central Valley Water Board permits such as a Federal Clean Water Act section 401 water quality certification.

Enclosure: page 4 of 6 - Flowchart for Category 5A

#### I. Additional Information:

The following is a brief description of Part III.F.3.c.ii of the General Order and the Post-Fire Management and Reforestation Plan (PFP), please reference the General Order for a complete description of the items discussed below:

##### 1) Summary of Part III.F.3.c.ii of the General Order:

A) The Discharger must comply with certain pesticide no-spray buffers dependent on the type of watercourse (perennial, intermittent, or ephemeral) and aquatic life present.

B) Where management activities are planned on a burned area with slopes greater than 30%, a minimum of 50% average effective groundcover is required to be documented before pesticide application. Documentation shall be provided to the Central Valley Water Board 30 days prior to application. C) The Discharger shall adhere to the resource protection measures in the Chemical Use Management Activities as designated in the National Best Management Practices for Water Quality Management on National Forest Systems Lands

D) The Discharger shall notify the Central Valley Water Board in writing at least 30 days prior to any proposed application of pesticides. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.

## 2) Summary of the Post-Fire Management and Reforestation Plan (PFP):

A) A PFP is required for all Projects enrolled in Category 5A where the Discharger elects to not meet the specific watercourse buffers or ground cover requirements as stated in Part III.F.3.c.ii of the General Order and must contain, at a minimum, all of the elements listed under "Contents of a PFP" under Attachment C of the General Order.

B) A brief description of the elements listed under "Contents of a PFP" under Attachment C of the General Order include:

[bull] A list of all Projects enrolled under the General Order that will adhere to the PFP

[bull] A list of any "other area" in the burn area that will adhere to the PFP even if that area is not included in a Project area

[bull] Evaluation of Receiving Waters and Beneficial Uses

[bull] Pesticide Application Information

[bull] Land Management Practices

[bull] Monitoring

## II. Links and information to the General Order and related documents:

### 1) General Order and Attachments:

A) Link to the General Order (Including Attachment A - Definitions):

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_order\\_s/general\\_orders/r5-2017-0061/r5-2017-0061\\_w\\_att\\_a.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_order_s/general_orders/r5-2017-0061/r5-2017-0061_w_att_a.pdf)

B) Link to the Monitoring and Reporting Program, Attachment B:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_order\\_s/general\\_orders/r5-2017-0061/r5-2017-0061\\_att\\_b.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_order_s/general_orders/r5-2017-0061/r5-2017-0061_att_b.pdf)

C) Link to the Post-Fire Management and Reforestation Plan (PFP), Attachment C:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2017-0061/r5-2017-0061\\_att\\_c.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2017-0061/r5-2017-0061_att_c.pdf)

D) Link to the Information Sheet in Support of the General Order, Attachment D:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_order\\_s/general\\_orders/r5-2017-0061/r5-2017-0061\\_att\\_d.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_order_s/general_orders/r5-2017-0061/r5-2017-0061_att_d.pdf)

### 2) Enrollment Forms:

A) Notice of Non-Applicability (NONA):

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/forest\\_activities/r5-2017-0061/timber\\_go\\_nona.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/forest_activities/r5-2017-0061/timber_go_nona.pdf)

B) Category 5A Notice of Intent (NOI):

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/forest\\_activities/r5-2017-0061/timber\\_go\\_att\\_noi\\_5a.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/forest_activities/r5-2017-0061/timber_go_att_noi_5a.pdf)

### 3) Monitoring Forms:

A) Please contact your Central Valley Water Board federal lands liaison for the following monitoring forms:

- [bull] Implementation Form

- [bull] Forensic Form

- [bull] Effectiveness Form

- [bull] Photopoint Monitoring Field Form