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Organization: North Coast Regional Water Quality Control Board
Title:
Comments: July 7, 2021

Ms. Keli McElroy

Shasta Trinity National Forest

3644 Avtech Parkway

Redding, CA 96002

Subject: August Complex Restoration Project Phase 1 Environmental Assessment

File: USDA - Shasta-Trinity National Forest (CW-754120)

August Fire Restoration Project (CW-872650)

Dear Ms. McElroy,

On June 3, 2021, the North Coast Regional Water Quality Control Board (RWB) received the August Complex Restoration Project Phase 1 (Project) Preliminary Environmental Assessment & Draft Finding of No Significant Impact (draft EA) from the Shasta-Trinity National Forest (STNF). The RWB appreciates the opportunity to comment on the Project. The purpose of this letter is to advise the STNF about 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).

Project Summary

The Project proposes to remove roadside and recreational area hazard trees (1,293 acres), conduct commercial salvage logging (2,512 acres), and plant conifers in areas treated for fuel reduction (4,339 acres, including the above areas). STNF proposes to construct 0.5 miles of new road and reconstruct 6 miles of existing temporary road to facilitate Project activities. The Project proposes to increase soil cover in burned areas by lop and scattering and mastication of non-commercial vegetation. Hillslope erosion and sedimentation are further proposed to be reduced by incorporating project design features, best management practices and resource protection measures. On July 1, 2021, RWB and STNF staff inspected the Project area.

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 Federal lands 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 Federal 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 Federal lands 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/

Comments

Please accept the following comments based on the draft EA and supporting specialist's reports:

1. Category B of the Waiver applies to activities with a moderate potential impact to water quality. Non-emergency restoration and rehabilitation of burned areas/fire recovery and Vegetation management with the potential to discharge sediment and road construction activities are subject to coverage under Category B of the Waiver. Category B projects require the USFS to apply for coverage under the Waiver. Please find Category B conditions and requirements on pages 24-34 of the Waiver.

2. The draft EA contains a proposal to construct a new bridge deck over the narrow existing bridge at Glen Creek to facilitate commercial salvage logging. The draft EA also contains an option to construct another temporary crossing. .

Construction of a crossing outside of the footprint of the existing bridge is contradictory to the statement made on page 13 of the EA that "Based on public comments, the Forest modified the proposed action by reducing the number of temporary roads (including limiting use to outside Wild and Scenic River corridor and Riparian Reserves)[hellip]" Similarly, a listed Resource Protection Measure states "No temporary road construction will be allowed in Riparian Reserves." Construction of this temporary crossing is not supported by the analysis in the EA and, consequently, should not be proposed for implementation. If this temporary road must be constructed, please contact the United States Army Corps of Engineers for a jurisdiction determination and otherwise be advised that additional Clean Water Act 401 permitting will be required through the RWB.

3. Category B Condition 8 of the Waiver states that:

Where the proposed activity includes direct or indirect effects to water quality, the USFS shall conduct a cumulative watershed effects (CWE) analysis and include specific measures in the proposed activity needed to reduce the potential for CWEs in order to assure compliance with the Basin Plan. The scale and extent of CWE analyses will be commensurate with the scale and intensity of the projects seeking coverage under this Waiver. CWEs analyses will follow guidance in the regional CWE policy, R-5 FSH 2509.22, Soil and Water Conservation Handbook, Amendment 1, and may range from qualitative reasoning to application and interpretation of

quantitative models.

In order to analyze the Cumulative Impacts and Cumulative Watershed Effects in the Hydrology Report, the Biology Report, and the Wild and Scenic River Report, the authors relied on the outputs of the Equivalent Roaded Acres (ERA) model. According to an assumption cited in all three reports, "The only project identified with overlap in the project area for this resource is the August Fire Restoration Project - Phase 2. Since the proposed action for Phase 2 is still being developed by the IDT assigned to that project, the cumulative effects cannot be meaningfully analyzed at this time." However, several projects are currently occurring in the Project area watersheds. Corral Creek Timber Company is conducting salvage logging operations on 352 acres in the Cable Creek watershed and on 320 acres in the Cave Creek watershed. This includes the Cable Creek-Farley Creek drainage which contains two sub-watersheds that are above the Threshold of Concern.

The ERA analysis in the Hydrology report is difficult to interpret. In the ERA modelling contained in the draft EA/hydro report, Smoky Creek is identified as two different watersheds with different baseline conditions.

The area of the project that occurs in each watershed isn't listed, so it isn't possible to determine if projected changes in watershed condition are project related. This is especially salient in the Cable Creek - Farley Creek watershed which contains project units and unaccounted for private salvage logging. Please provide an analysis of where the sensitive sub-watersheds are located relative to Project units, private timber sales, and unstable, inner gorge features in the final EA for the Project.

4. The draft EA does not contain project design features (PDFs) to hydrologically disconnect skid-trails that intersect National Forest System roads. Currently, the Project includes a PDF that requires that skid trail entrances onto Forest System roads be blocked to vehicle traffic. Blocking skid trail entrances may help to prevent continued use after the Project concludes, but it is also critical to ensure that skid trails do not become chronic sediment sources after the Project concludes.

5. The draft EA identifies that Maintenance Level 1 roads will be used to implement the Project. 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. BMP-6 is located on page 115 of the National BMP Manual and states:

Avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources by storing closed roads not needed for at least 1 year (Intermittent Stored Service) and decommissioning unneeded roads in a hydrologically stable manner to eliminate hydrologic connectivity, restore natural flow patterns, and minimize soil erosion.

Roads not needed for access for long periods (greater than 1 year) may be put into storage (Intermittent Stored Service-Maintenance Level 1) to reduce maintenance costs. Level 1 roads receive basic custodial maintenance focusing on maintaining drainage facilities and runoff patterns to avoid or minimize damage to adjacent resources and to perpetuate the road for future use. The integrity of the roadway is retained to the extent practicable and measures are implemented to reduce sediment delivery from the road surface and fills and reduce the risk of crossing failure and stream diversion.

BMP Roads-6 also contains the following information regarding evaluating roads for storage:

Evaluate all stream and waterbody crossings for potential for failure or diversion of flow if left without treatment.

* Use suitable measures to reduce the risk of flow diversion onto the road surface.

* Consider leaving existing crossings in low-risk situations where the culvert is not undersized, does not present

an undesired passage barrier to aquatic organisms, and is relatively stable.

- * Remove culverts, fill material, and other structures that present an unacceptable risk of failure or diversion.
- * Reshape the channel and streambanks at the crossing-site to pass expected flows without scouring or ponding, minimize potential for undercutting or slumping of streambanks, and maintain continuation of channel dimensions and longitudinal profile through the crossing site.
- * Use suitable measures to avoid or minimize scour and downcutting.
- * Use suitable measures to ensure that the road surface drainage system will intercept, collect, and remove water from the road surface and surrounding slopes in a manner that reduces concentrated flow in ditches, culverts, and over fill slopes and road surfaces without frequent maintenance.
- * Use suitable measures to stabilize unstable road segments, seeps, slumps, or cut or fill slopes where evidence of potential failure exists.

If any Maintenance Level 1 roads in the Project area currently contain culverted watercourse crossings, STNF shall identify in the Waiver application how BMP Roads-6 will be implemented. Existing culverted crossings located on Maintenance Level 1 roads may be considered Legacy Sediment Sites (LSS) due to their lack of ongoing maintenance. Please include an inventory, description, and schedule for treatment of any watercourse crossings on Maintenance Level 1 roads in the LSS treatment plan.

If you have any questions, please feel free to contact Chad Johnson at chad.johnson@waterboards.ca.gov.

Sincerely,

Jonathan Warmerdam

Division Chief

Nonpoint Source and Surface Water Protection Division

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