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Comments: Dear Mr. Stroberg:

Subject: Scoping Comments - Harlan Project, Klamath National Forest

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

Klamath NF Harlan Project (CW-834638)

The North Coast Regional Water Quality Control Board (Regional Water Board) appreciates the opportunity to comment on the proposed Harlan Project (Project). The purpose of this letter is to comment on the activities proposed in the Project. Additionally, we are providing you with 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 (Waiver). Please see the Waiver of Waste Discharge Requirements section below for more information about the Waiver and project specific comments.

Project Summary

On March 10, 2020, the Regional Water Board received the United States Forest Service (USFS) Klamath National Forest (KNF) draft Environmental Assessment (draft EA) for the Project, which is located in the Goosenest Ranger District. KNF proposes to treat up to 21,000 acres within the Project area with a combination of prescribed fire, commercial thinning, plantation thinning, juniper reduction, generation of commercial biomass, and construction of strategic fire breaks. The Project also proposes to repair 0.5 miles of currently inaccessible road, construct 1.53 miles of new temporary roads, and remove 2.4 miles of road from the NFS road network. In addition, two legacy erosion sites along Horsethief creek are proposed for treatment.

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 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 USFS and 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 preliminary information provided in the project scoping document:

1. Page 8 of the draft EA contains the following passage:

Trees greater than 10 inches in diameter at breast height (DBH) will be thinned to 40 to 100 square feet per acre basal area (averaging 60 square feet per acre basal area), leaving healthy co-dominant and dominant trees that are compatible with site conditions (i.e. ponderosa pine, incense cedar, Douglas-fir).

Please clarify in the final EA if the Project proposes to reduce canopy to the average 60 square feet per acre basal area retention standard within ephemeral watercourse channels that may not receive riparian reserve protection measures in "Thin from Below" units.

2. Page 13 of the draft EA states:

The project would remove 2.3 miles of Forest Road Nos. 44N30X.A, and 44N30X in the Dead Steer Flat area from the Forest Service system.

Please identify in the final EA whether any of the roads proposed for removal from the NFS road system contain watercourse crossings or other legacy sediment sites (LSS). If any LSS are identified, provide a schedule for treatment of those LSS in the Waiver application.

3. Page 13 of the draft EA additionally states:

The project would remove 2.3 miles of Forest Road Nos. 44N30X.A, and 44N30X in the Dead Steer Flat area from the Forest Service system. These system roads are listed as maintenance level I (closed to public) and furthermore, the roads already have permanent structures which currently prevent public or administrative use

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.

[bull] Use suitable measures to reduce the risk of flow diversion onto the road surface.

[bull] 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.

[bull] Remove culverts, fill material, and other structures that present an unacceptable risk of failure or diversion.

[bull] 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.

[bull] Use suitable measures to avoid or minimize scour and downcutting.

[bull] 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.

[bull] 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, KNF shall address in the final EA how BMP Roads-6 will be implemented. Furthermore, if any Maintenance Level 1 roads in the Project area currently or are proposed to contain culverted watercourse crossings, KNF shall address in the final EA how BMP Roads-6 will be implemented. If watercourse crossings will remain on Maintenance Level 1 roads at the conclusion of Project activities, KNF should identify in the final EA and/or the Waiver application how KNF plans to inspect and maintain those crossings.

4. Page 29 of the draft EA states:

Any expected increase in stream temperature resulting from treatment would be mitigated through planting of riparian species along Butte Creek.

Please identify in the final EA whether these new riparian plantings will require protection from browsing animals?

5. Page 45 of the draft EA contains the Project Design Feature Watershed-10 that states:

New and reconstructed culverts, bridges, and other stream crossings shall be designed and constructed to accommodate at least the 100-year flood, including associated bedload and debris. Crossings will be constructed

or reconstructed and maintained to prevent diversion of streamflow out of the channel and down the road in the event of crossing failure.

Please identify where new watercourse crossings may be proposed in the final EA.

6. Page 46 of the draft EA contains the Project Design Feature Watershed-17 that states:

All temporary roads will be hydrologically restored at project completion, which may include removal of culverts and fills at stream crossings, out-sloping of road surfaces, obliterations of road segments, and water barring or covering with slash.

Please identify where removal of culverts and fills may take place within the temporary road system in the final EA.

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 Benjamin Minx at (707) 576-2690 or Benjamin.Minx@waterboards.ca.gov.

Sincerely,

Jonathan Warmerdam

Environmental Program Manager I

Nonpoint Source and Surface Water Protection Division

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