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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

July 22, 2014

Ms. Kelby Witherspoon
Goosenest Ranger District
Klamath National Forest
37805 Highway 97
Macdoel, CA 96058

Dear Ms. Witherspoon:

Subject: Klamath National Forest Bray and Horsethief Grazing Allotments Project Scoping

File: USDA – Klamath National Forest (KNF)

On June 6, 2014, we received the Forest Service public scoping document for the proposed KNF Bray and Horsethief Grazing Allotments Project. We appreciate the opportunity to comment on the project and wish to remain on the mailing list.

KNF is preparing an environmental assessment (EA) for the proposed Bray and Horsethief Grazing Allotments Project. The project will allow a decision to be made regarding whether or not to authorize grazing on the Bray and Horsethief Allotments under an updated allotment management plan. The two grazing allotments included in the project proposal are in close proximity to one another and are located on the east side of KNF near Macdoel, Siskiyou County. Elevations in the project area range from 4,800 to 6,000 feet. The Bray Allotment includes approximately 10,680 acres of National Forest System (NFS) land and the Horsethief Allotment includes approximately 13,575 acres of NFS lands. Approximately 724 acres of private land are located within the Bray Allotment boundary and 13,108 acres of private land are within the Horsethief Allotment boundary. These private lands are not included in the project proposal.

According to information provided in the scoping document, forage utilization standards have consistently been met at monitoring areas across both allotments. Some riparian vegetation is found along Butte Creek on the Bray Allotment, but much of the creek has been fenced so it has been mostly excluded from grazing. On the Horsethief Allotment, one meadow location was identified as being in unsatisfactory condition and there is a need for

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an upward trend to achieve satisfactory conditions at that location. There is also a need to expand monitoring at three locations, one in the Bray Allotment and two in the Horsethief Allotment, to determine appropriate management options for those sites. The meadow condition score at Horsethief Meadow was low. Fenced enclosures and the timing of management activities have limited grazing within riparian areas, and KNF reported that the majority of riparian areas within the allotments have been verified as meeting or moving toward desired future condition.

The Proposed Action is to authorize livestock grazing in the Bray and Horsethief Allotments for an indefinite length of time under updated allotment management plans that incorporate an adaptive management strategy (AMS) and project design features. On the Bray Allotment, 172 cow-calf pairs would be authorized to graze between May 16 and September 30. On the Horsethief Allotment, 100 cow-calf pairs would be authorized to graze between June 1 and September 30.

The National Best Management Practices for Water Quality Management on National Forest System Lands state under Rangeland Permit Administration, "Improper grazing can adversely affect watershed condition in several ways. Loss of effective ground cover in the uplands leads to increases in overland flow and peak runoff. Soil compaction and loss of ground cover and plant vigor in riparian areas decrease the ability of the riparian area to filter pollutants and function as a floodplain. Streambank trampling increases stream channel width/depth ratios, resulting in a change in stream type and lower of the water table. Wider and shallower streams have higher stream temperatures and lower dissolved oxygen content. Introduction of sediment, nutrients, and pathogens from grazing can lower water quality. The potential for these impacts can be limited by managing livestock numbers, distribution, timing and season of use."

United States Forest Service (USFS) guidance documents and agency direction require that USFS management move existing conditions on these allotments toward desired ecological conditions, including compliance with water quality objectives and protection of the beneficial uses of water affected by livestock grazing. The proposed AMS is designed to provide USFS managers with the flexibility needed to meet or move toward desired resource conditions through a variety of potential management actions that may be implemented in response to monitoring. These actions include such measures as adjusting the grazing season or number of livestock, use of salt or supplements to draw livestock away from specific areas such as riparian areas, and incorporating herding into the management of livestock.

As background, state law assigns responsibility for protection of water quality within north coast watersheds to the Regional Water Quality Control Board, North Coast Region (Regional Water Board). The Regional Water Board implements and enforces the Porter-Cologne Water Quality Control Act ("Porter-Cologne Act," California Water Code §13000 et seq.) and the *Water Quality Control Plan for the North Coast Basin* (Basin Plan). All forest

projects must comply with all substantive and procedural requirements of the Porter-Cologne Act and the Basin Plan.

Regional Water Board Order No. R1-2010-0029, *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* (Waiver), waives certain activities conducted on National Forest System Lands from the waste discharge requirements of Article 4 (commencing with Section 13260) of Chapter 4, Division 7 of the California Water Code, except as provided within the Waiver. In order to receive coverage under the Waiver, projects must meet specific eligibility criteria and conditions. A guidance document and pertinent forms are 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/

The USFS Waiver states that range management activities, including the Bray and Horsethief Grazing Allotments Project, will be covered under Category B of the USFS Waiver. Category B applies to activities with a moderate potential impact to water quality. Category B activities require the USFS to submit an application and provide more information to the Regional Water Board for a more detailed project review. The application must include the following information:

- a. A brief description of the proposed activity.
- b. Activity start and end dates.
- c. The name(s) and contact information for primary project management personnel.
- d. A description of compliance with the USFS Waiver in general terms.
- e. Copies of relevant portions of all environmental documents that set out the details of the project, especially on-the-ground prescriptions, including supporting documents that describe in detail the activities and management that will be taken to reduce potential water quality impacts to less than significant levels.

Please accept the following comments based on the preliminary information provided in the project scoping letter:

1. The Basin Plan contains water quality objectives, implementation plans for meeting those objectives, and other policies, including State Water Resources Control Board and federal policies, which are applicable to operations on National Forest System lands within California. The KNF Bray and Horsethief Grazing Allotments Project must be designed and implemented to meet the water quality standards outlined in the Basin Plan. Additionally, the project must be in compliance with any total maximum daily load (TMDL) that has been developed for the watersheds in which the project will occur.
2. For project enrollment, the 2010 Waiver states that after the Project Decision Notice is signed and at least 30 days prior to commencement of on-the-ground activities, a

Notice of Intent (NOI) and Waiver Application shall be filed with the Regional Water Board. The NOI certifies that the USFS understands and intends to comply with the Waiver. A letter granting coverage must be received prior to initiating activities.

3. To provide clarity, transparency, and improve our ability to assess compliance with water quality objectives, General Condition #10 (page 15) states:

“USFS shall include within the environmental document prepared pursuant to NEPA, contracts, grazing permits, agreements, and other instruments used to direct the activities of contractors, grazing permittees, USFS personnel, or volunteers, or any other third parties specified in this Waiver, the specific on-the-ground prescriptions that are designed to meet the USFS BMPs...”

4. General Condition #11 (page 15) states that:

“In addition to providing specific on-the-ground prescriptions, the USFS shall provide copies of this Waiver to contractors and grazing permittees, and USFS volunteers or any other third parties specified in this Waiver, and notify them of their responsibilities to comply with the Waiver.”

5. Condition #1 (page 13) states that:

USFS shall manage and maintain designated riparian zones to ensure retention of adequate vegetative cover that results in natural shade conditions within 300 feet slope distance on each side of fish-bearing streams, 150 feet slope distance on each side of perennial streams, and 100 feet slope distance on each side of ephemeral/intermittent streams, or the site potential tree height distance on each side of the stream, whichever is greatest. Timely implementation is necessary for sediment and temperature TMDL compliance. Natural shade conditions are defined as the shade on a watercourse that results from the site potential naturally occurring vegetative community and topographic configuration.

Exceptions to this condition will be considered. In order for Regional Water Board staff to determine the adequacy of the justification for an exception, the justification must identify the proposed canopy reduction and expected recovery time, provide an estimate of the pre- and post- project shade or solar impacts, and explain how such an exception will result in a net long-term benefit to water quality and stream temperatures.

6. Measures to mitigate water quality impacts should be included in the design of the KNF Bray and Horsethief Grazing Allotments Project. The 2010 Waiver Application requirements (page 23, item “6.g.”) states that an application must contain:

"Copies of relevant portions of all environmental documents that set out the details of a project, especially on-the-ground prescriptions, including supporting documents that describe in detail the activities and management practices that will be taken to reduce potential water quality impacts to less than significant levels (e.g., NEPA documents, technical reports, design criteria, assessments, watershed restoration plans).

The USFS shall clearly indicate within NEPA documents, and provide an index of, the specific on-the-ground prescriptions designed to meet the BMPs to avoid any adverse impact(s) to water quality. Specific on-the-ground prescriptions shall be included in all contracts and grazing permits."

7. The Waiver Monitoring and Reporting Program (page 2, Monitoring for All Projects) states:

"Implementation monitoring will be conducted for all projects using a "checklist" approach and serving as an audit. Implementation monitoring will be the primary systematic means for early detection of potential water-quality problems stemming from failure to fully or properly implement all of the proposed measures for a particular project..."

Thank you for the opportunity to comment on the KNF Bray and Horsethief Grazing Allotments Project. We would appreciate receiving copies of the environmental documents for review and comment. If you have any questions, please feel free to contact me at (707) 576-2030.

Sincerely,



Thomas R. Williams, P.G.
Engineering Geologist
Northern Timber Unit