California Environmental Quality Act (CEQA)

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Statewide Waiver of Waste Discharge Requirements
For Nonpoint Source Discharges Related to Certain Activities
On National Forest System Lands in California

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PROJECT DESCRIPTION

The U.S. Department of Agriculture, Forest Service (USFS) has an existing Water Quality Management Plan for Forest System Lands in California (WQMP). The WQMP sets forth best management practices (BMPs) for controlling nonpoint source (NPS) discharges from a variety of activities (NPS activities) on National Forest System (NFS) lands, as well as the processes by which these BMPs will be implemented. In 1981, pursuant to Clean Water Act (CWA) Section 208, the State Water Resources Control Board (State Water Board) certified the WQMP (including its BMPs), designated USFS as the water quality management agency with primary responsibility for WQMP implementation, and executed a management agency agreement (MAA) with USFS[1]. The existing WQMP was last updated in 2000, when a number of non-substantive technical changes were made.

California Water Code section 13269 allows a Water Board to waive the requirements of Water Code section 13260 for submittal of a report of waste discharge (ROWD) and issuance of waste discharge requirements (WDRs) for specific types of discharges, when those discharges are in the public interest and comply with the requirements of any applicable water quality control plan. After the Water Code was amended to require that any waiver of ROWDs and/or WDRs (waiver) be formal, conditional, temporary and include monitoring, three Regional Water Quality Control Boards (Regional Water Boards) adopted categorical timber harvesting waivers which addressed those activities on both NFS and non-federal lands. The North Coast Regional Water Board has more recently adopted a waiver for all of the NPS discharges associated with various activities that are covered by the existing WQMP and any subsequent amendments (Order R1-2010-0029) (North Coast Waiver).

On August 4, 2009, the State Water Board adopted Order 2009-0064, directing staff to begin working with USFS, Regional Water Boards, and interested parties to update the existing WQMP and to develop a statewide regulatory mechanism. On November 30, 2009, State Water Board staff conducted a public workshop. The participants identified topics having highest priority for change and/or addition. Those topics were road management, timber management, fuels treatment, off-highway vehicles, and rangeland management. The participants also self-selected representatives for a variety of subject areas to serve on a stakeholder advisory group. During the last year, the USFS and the State and Regional Water Boards (together, "Water Boards"), with substantial review and comment from the stakeholder group, have collaborated in substantially updating the USFS WQMP, focusing on those priority topics. The Updated WQMP is expected to be adopted as an official USFS handbook (USFS WQMH) prior to the State Water Board action described below. The new USFS WQMH addresses a variety of NPS activities that can generate NPS discharges on all NFS lands in California. These NPS activities can all be carried out with low or moderate potential water quality impacts, and they include timber harvesting, roads, grazing, recreation; vegetation manipulation, such as fuel management; restoration activities, associated generally with road decommissioning; and fire suppression activities.

[1] These actions were taken pursuant to U.S. Environmental Protection Agency (U.S. EPA) regulations which implemented CWA Section 208, but which have subsequently been amended.

The Board's project is to adopt, pursuant to Water Code section 13269, a single statewide conditional waiver of ROWDs and WDRs (Proposed Statewide Waiver) for those NPS activities that are addressed by the new USFS WQMH and meet the conditions of the Waiver. The Proposed Statewide Waiver is applicable to all NFS lands in California (Figure 1).

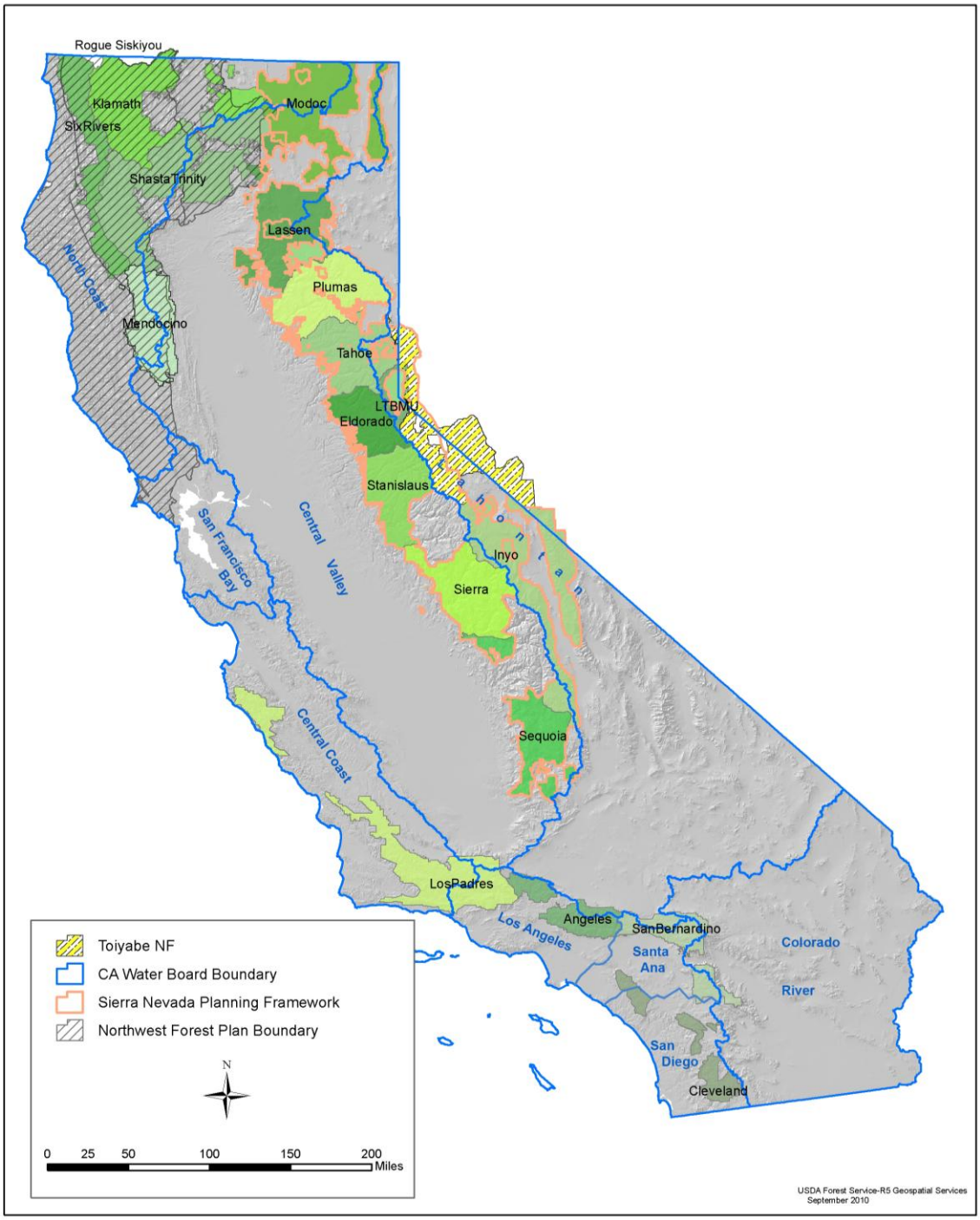


Figure 1. - Project Area – All NFS lands in California. Shown in relation to Water Board regions and to areas subject to the Northwest Forest Plan and Sierra Nevada Forest Plan Amendments.

The Proposed Statewide Waiver is conditioned on USFS compliance with certain general and specific conditions and monitoring and reporting requirements laid out in the Proposed Statewide Waiver. The primary condition of the Waiver is that USFS implement the new statewide WQMH when permitting or carrying out NPS activities.

The Proposed Statewide Waiver will immediately supersede the application of any existing waivers to NPS activities on NFS lands that can receive coverage under the Statewide Waiver, with the exception of R1-2010-0029. After Order R1-2010-0029 expires, the statewide waiver would supersede any subsequent North Coast Regional Water Board waiver addressing NPS activities covered by the statewide waiver.

The Proposed Statewide Waiver can be terminated at any time by the State Water Board.

The Proposed Statewide Waiver and the draft USFS WQMH are included with this Initial Study. These documents are also available online at: http://www.swrcb.ca.gov/water_issues/programs/nps/wqmp_forests.shtml.

PURPOSE OF AND NEED FOR PROJECT

There are a number of ongoing NPS activities on NFS land that may potentially impact water quality. These include:

- Timber management
- Road management
- Range management
- Recreation
- Off-highway vehicle recreation
- Vegetation manipulation
- Watershed restoration
- Fire suppression and fuels management

- **Timber Management:** Timber harvesting activity on NFS lands and its associated road network have the potential to generate sediment from equipment use and from erosion of bare ground on roads, landings, and skid trails, as well as to reduce shade canopy from tree removal due to logging, road construction, and equipment operations. Refueling and servicing of related equipment can cause discharges of petroleum products and toxic chemicals.

- **Road Management:** There are tens of thousands of miles of roads on NFS lands in California that are managed by USFS. Although most of the road mileage was created when timber production was about an order of magnitude greater than it is today, they now serve the multiple uses that USFS is mandated to provide. Forest roads are the single most significant anthropogenic source of sediment on NFS lands. Road location, design, construction or reconstruction, use, maintenance, and decommissioning all pose potential impacts to water quality by increasing soil erosion and compaction, diverting and concentrating surface and subsurface runoff, accelerating mass wasting, and removing vegetative canopy.

- **Range Management:** Grazing by herds of livestock, especially in and near riparian areas, has the potential to cause impacts to water quality. These impacts include discharges of nutrients and pathogens from animal waste, increased heat loading due to reduction of riparian vegetation, and increased sediment loading due to trampling and compaction of stream banks, loss of bank-stabilizing riparian vegetation, and reduction of sediment-trapping instream vegetation.

- **Recreation:** A wide array of dispersed and concentrated recreational activities occurs on NFS lands. The most common water quality impacts from recreational activities are erosion and sedimentation associated with use of roads, trails and camping sites. Much of the recreation takes place in or on water bodies, allowing petroleum products and human wastes to readily enter water.

- **Off-highway Vehicle (OHV) Recreation:** Motorized recreation is a fast growing use of NFS lands. The increased power and capabilities of OHVs, together with population growth, has greatly increased both the range of and demand for motorized access. OHV recreation is a significant source of sediment discharges on NFS lands. It can increase soil erosion, concentrate and divert surface runoff, and damage stream banks. It can sometimes cause discharges of petroleum products, toxic chemicals, and pathogens.

- **Vegetation Manipulation:** In addition to timber harvesting, the USFS thins vegetation on its lands as part of: 1) fuel management practices (which are intended to reduce the likelihood and severity of wildfire and protect communities at risk); 2) forest rehabilitation activities (selection cuts and thinning addressed as timber harvest); and 3) riparian area rehabilitation to improve diversity and promote conifer species. These activities can generate sediment and alter shade conditions. Use of pesticides can pollute adjacent water bodies.

- **Watershed Restoration:** These activities are generally associated with road decommissioning (addressed above), road upgrades and storm-proofing, remediation of existing and potential sediment discharge sites, instream habitat improvements, and forest rehabilitation (e.g., fuels reduction, meadow and riparian restoration, invasive species eradication, wildlife and fish habitat improvement).

- **Fire Suppression and Fuels Management:** These activities may generate sediment and impact riparian areas during and after the firefighting process, which may include road building, re-opening of old roads, fire line construction, back-burning, and application of fire-retardant chemicals. Immediate remediation of potential discharge sites is required under the USFS Burned Area Emergency Rehabilitation (BAER) program, whose objective, in part, is to prescribe and implement emergency treatment on federal land to minimize threats to life or property from the effects of a fire and to stabilize and prevent unacceptable degradation to natural or cultural resources. Firefighting and the implementation of the BAER program are conducted pursuant to forest-specific plans and procedures. Following BAER activities, a national forest (Forest) may conduct further activities to address erosion control, reforestation, and riparian improvements.

The existing USFS WQMP and the North Coast Waiver address all of these NPS activities except OHV recreation. Only timber harvesting and some fuel management activities are addressed by the Central Valley Waiver and Lahontan Waiver. This Board action addresses all of these types of activities, as well as providing a statewide mechanism for their regulation.

Overall, the regulation of the NPS activities through the Proposed Statewide Waiver will improve regulatory efficiency and increase transparency and accountability for both the Water Boards and USFS, enhance collaboration in achieving water quality goals, and enhance public participation in the process.

Specifically, the Proposed Statewide Waiver will:

1. Improve regulatory consistency between various Water Board regions.
2. Improve regulatory certainty (both temporal and geographical) for USFS.
3. Increase the number and types of NPS discharges subject to Water Board regulation.
4. Greatly reduce the bureaucratic burden of repeated renewals of several different Regional Water Board waivers for both the Water Boards and USFS, freeing more staff time to actually be in the field.
5. Improve the degree of coordination and collaboration between the Water Boards and USFS.
6. Improve the resolution of conflicts between the Water Boards and USFS.

The Proposed Statewide Waiver regulates the above-described NPS activities by conditioning the Waiver on implementation of the new USFS WQMH and other USFS guidelines and policies and of a number of requirements contained within the Waiver itself. The determination to move to a statewide waiver went hand in hand with the development of the new USFS WQMH which incorporates significantly enhanced mitigation and implementation to lessen impacts to water quality. USFS and Water Board policies and requirements are discussed in the next section.

CONSISTENCY OF PROJECT WITH EXISTING PLANS, POLICIES AND CONTROLS

WATER QUALITY REQUIREMENTS

The Proposed Statewide Waiver is a regulatory mechanism intended to ensure that NPS discharges related to certain NPS activities on NFS land comply with applicable state water quality requirements, primarily the Water Code section 13000 et seq., related water quality control plans, the Nonpoint Source Program Plan, and the Nonpoint Source Policy.

California Water Code

The California Water Code mandates that the Water Boards develop water quality control plans, and authorizes the State Water Board to establish state policy for water quality control. Article 4 of the Water Code regulates discharges, or threatened discharges, to waters of the State through WDRs. Water Code section 13269 authorizes Water Boards to waive WDRs for a specific discharge or type of discharge when it determines that such a waiver is consistent with any applicable water quality control plan and is in the public interest.

Water Quality Control Plans

Water quality control plans are the Water Boards' primary regulatory documents. Those water quality control plans that are developed by Regional Water Boards are usually called basin plans, and they must be approved by the State Water Board. Water quality control plans designate the beneficial uses of the surface and ground waters that are to be protected and set forth water quality objectives to protect those uses. Additionally, basin plans describe the implementation measures that form the basis for the control of water quality, such as specific prohibitions, action plans, and policies. The Proposed

Statewide Waiver requires compliance with all applicable water quality standards, prohibitions, and other requirements set forth in applicable water quality control plans.

California "Anti-degradation Policy"

State Water Board Resolution No. 68-16, "*Statement of Policy with Respect to Maintaining High Quality Waters in California*," while incorporating the federal Antidegradation Policy where the federal policy applies, is more comprehensive than the federal policy. In particular, the state policy applies to both groundwater and surface waters whose quality meets or exceeds (is better than) water quality objectives. It allows reduction of water quality, without exceeding established basin plan objectives, only if this degradation is found to be to the maximum benefit to the people of the state and not to unreasonably affect present and anticipated beneficial uses of such water. The Proposed Statewide Waiver is consistent with Resolution No. 68-16.

Federal Antidegradation Policy

This policy applies to surface waters, regardless of the water quality. Where water quality is better than the minimum necessary to support instream uses, the federal policy requires that quality to be maintained and protected, unless the state finds, after ensuring public participation, that:

1. Such activity is necessary to accommodate important economic or social development in the area in which the waters are located,
2. Water quality is adequate to protect existing beneficial uses fully, and
3. The highest statutory and regulatory requirements for all new and existing point source discharges and all cost-effective and reasonable best management practices for NPS control are achieved.

The Proposed Statewide Waiver is consistent with the Federal Antidegradation Policy.

California NPS Policy and Program Plan

The State Water Board Policy for Enforcement and Implementation of the Nonpoint Source Program (NPS Policy) establishes five "key elements" for a third-party NPS control program. The new WQMH conforms to those key elements. In addition, the NPS Policy requires regulation of NPS pollution through prohibitions, WDRs and/or conditional waivers of WDRs. The Proposed Statewide Waiver complies with the NPS Policy.

Pursuant to United States Environmental Protection Agency (U.S. EPA) regulations implementing the federal Coastal Zone Act Reauthorization Amendments (CZARA), in 2000 the State Water Board and the California Coastal Commission jointly adopted the Plan for California's Nonpoint Source Pollution Control Program ((NPS Program Plan). The companion volume, California Management Measures for Polluted Runoff, sets forth a number of management measures for silviculture and related activities. U.S. EPA holds the State accountable for implementing these measures by using appropriate management practices. Waiver Attachment A provides a crosswalk between the relevant management measures and the WQMH's BMPs. The WQMP and Proposed Statewide Waiver appropriately implement the relevant management measures.

Federal CWA and CZARA

The Water Boards have been delegated responsibility for implementing the Clean Water Act in California. The State Water Board and the California Coastal Commission share responsibility for implementing CZARA. The Proposed Statewide Waiver is consistent with the Clean Water Act and CZARA.

Total Maximum Daily Loads (TMDL)

Clean Water Act Section 303(d) and associated USEPA regulations contain provisions for developing TMDLs on impaired waterbodies. A number of TMDLs have been developed in watersheds managed in part or whole by the USFS. The Proposed Statewide Waiver requires compliance with all applicable TMDLs. For activities receiving coverage under this Waiver, compliance with the conditions of this Waiver satisfy USFS's obligations toward compliance with the implementation requirements for TMDLs in which it is named, unless the applicable Regional Water Board notifies the USFS otherwise in writing.

USFS REQUIREMENTS

National Environmental Policy Act (NEPA)

NEPA requires federal agencies, such as USFS, to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. USFS projects that go through the NEPA process involve substantial public and agency input. The Proposed Statewide Waiver requires that any NEPA analysis of specific projects that USFS wants to be covered by the Waiver be submitted to the affected Regional Water Board. The Water Boards use NEPA documentation and/or other available information to determine the applicability of the Waiver to any specific project and whether appropriate site-specific measure have been prescribed.

USFS Guidance

Parts of three USFS Regions lie within California. The Rogue River-Siskiyou National Forest barely overlaps portions of the California – Oregon border and is entirely within the Pacific Northwest Region. The Humboldt-Toiyabe National Forest includes significant areas east of the crest of the Sierra Nevada and is entirely within the Intermountain Region. The remainder of California is within the Pacific Southwest Region and has 18 national forests, if the Lake Tahoe Basin Management Unit is included (Figure 1).

As a federal agency with land use activities spread across large tracts of land, the USFS follows national and regional guidance, policies, and programs ("USFS Guidance"). These direct the management of NFS lands and are applied through a nesting or hierarchy of spatial scales (national, multiple-region, single region, forest, watershed, site). As described in detail below, the USFS Guidance ranges from the overarching goals in national and multi-forest regional plans for watershed assessment and protection to very specific BMPs that can be applied to potential NPSs to prevent, minimize, and mitigate waste discharges. The USFS Guidance provides consistency in the management of NFS lands, from the broader multiple-forest scale down to the

individual national forests, watersheds, and the site-specific projects. The Proposed Statewide Waiver relies on the implementation of both the USFS Guidance and the USFS WQMH, and it requires monitoring and documentation of the process, as well as of watershed conditions.

Travel Management Rule (TMR)

Forest roads are the largest anthropogenic source of sediment on forest lands, and there are more than 40,000 miles of roads which USFS is responsible for managing on NFS lands in the State. Many of these roads are in poor repair, contributing significantly to sediment discharges, and USFS does not have sufficient funding to provide the necessary road maintenance. The 2005 Travel Management Rule (Title 36, Code of Federal Regulations, (36 CFR) Part 212, Subparts A, B, and C)). Subpart A of the TMR mandates that each Forest identify the minimum road system that it needs to carry out its land management responsibilities and to allow appropriate public access to public lands. Under Subpart B, roads that are no longer included in the system will be prioritized for: a) decommissioning (i.e., permanently closed and sometimes obliterated), b) storage (i.e., closed to vehicle access and treated to reduce their impact, but kept available for possible future use) or c) converted to a hiking, equestrian, and/or mountain bike trail) as funding becomes available. Each Forest is also authorized to designate which OHV routes will be available for continued public use. USFS is required to close undesignated roads and routes to any further public use by motorized vehicles. The TMR is implemented through Forest Service Manuals (FSM) 2350, 7700, and 7710 and Forest Service Handbook (FSH) 7709.55

USFS Watershed Improvement Program (WIP)

This is a nationwide USFS program that guides assessment and restoration on a watershed scale. WIP focuses watershed restoration activities in priority watersheds and progress through the priority watersheds in a stepwise manner. Individual forests use the WIP to guide watershed assessment and restoration at a watershed level. In accordance with the WIP, each Forest: 1) selects the priority watersheds for restoration, 2) assesses watershed condition, 3) inventories watershed improvement needs, 4) identifies essential projects (e.g., road crossings, road decommissioning, landslide stabilization) and 5) develops watershed restoration plans. Each forest is responsible for providing an annual report on its WIP accomplishments. This program can make important contributions to the State Water Board's NPS program and toward improving the health of impaired beneficial uses of water. These components are important for addressing legacy[2] nonpoint sources, which are often associated with forest roads.

Priority Watersheds - comprise a system of watershed-scale refugia for protecting fish and water quality (Figure 2). Priority watersheds are the cornerstone for maintaining or recovering habitat for anadromous and resident fish species and threatened or endangered amphibians. National forests must use most of their available restoration funds in priority watersheds. As described in more detail below, priority watersheds receive heightened water quality protection under the multi-region Forest Plans. Water Boards will be encouraged to participate in the prioritization process.

[2] Legacy sources or sites are considered those existing discharge or potential discharge areas or sites that are the result of human activity from the past and can reasonably and feasibly be remedied.

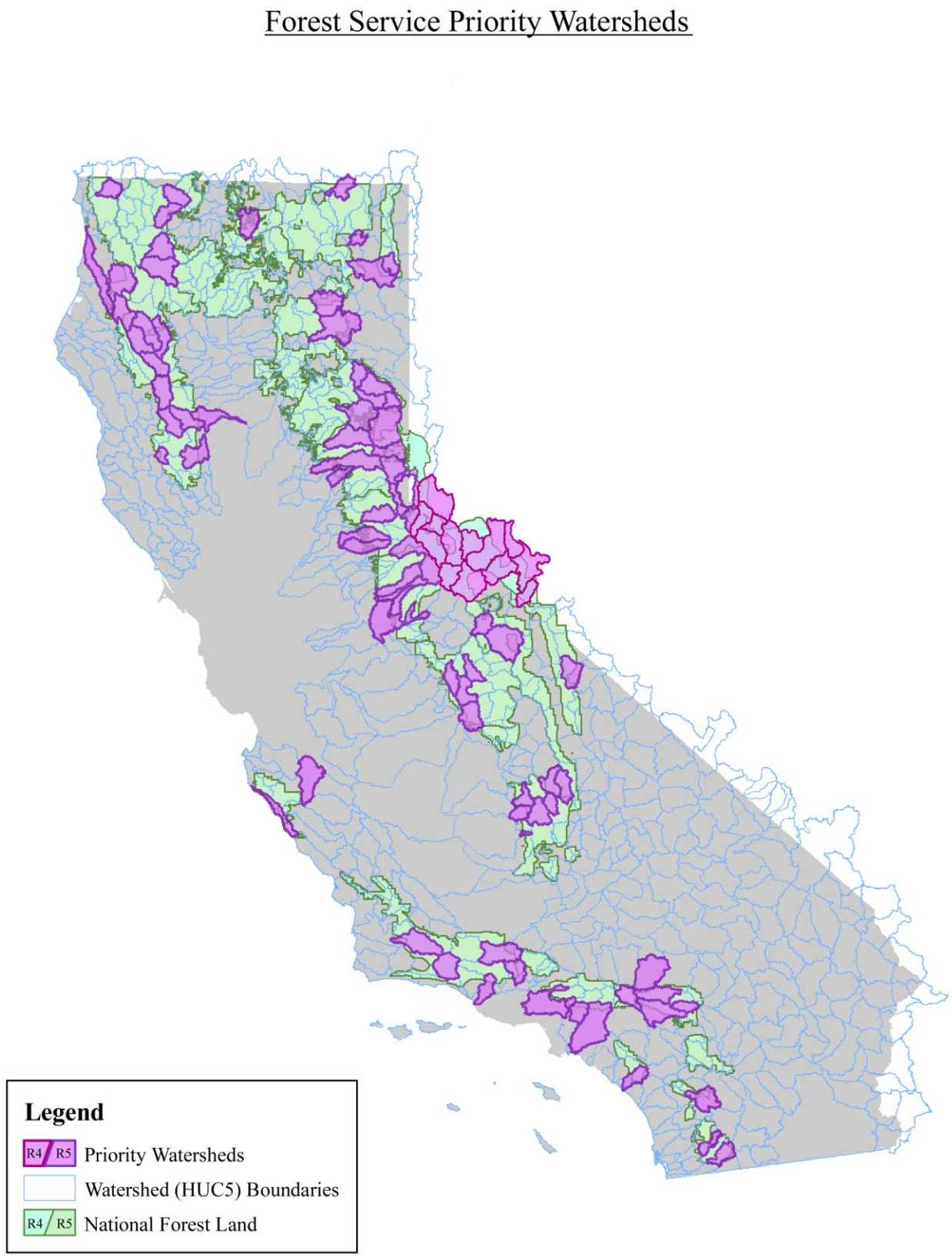


Figure 2. - USFS Priority Watersheds in California in 2010.

Watershed Condition Assessment – is a more detailed assessment which looks at the following indicators:

- Water Quality Condition
- Water Quantity Condition
- Stream and Habitat Condition
- Aquatic Biota Condition
- Riparian Vegetation Condition
- Soil Condition
- Fire Effects and Regime Condition
- Forest Cover Condition
- Rangeland/Grasslands/Open Area Condition
- Terrestrial Non-native Invasive Species Condition
- Road and Trail Condition
- Forest Health Condition

A draft "Forest Service Watershed Condition Technical Guide" is currently under review. The Proposed Statewide Waiver requires the USFS to provide an anticipated schedule for completion of all remaining watershed assessments.

Watershed Improvement Needs Inventory - is an ongoing process that is integrated with each forest's program of work and subject to available funding. The degree of progress in these inventories varies considerably by forests depending on available resources and capabilities. Significant progress is being made in inventories of road-related watershed improvement needs. Transition to a national database is in progress.

Essential Project Identification - establishes the most important projects that need to be implemented within a watershed (e.g., road crossings, road decommissioning, landslide stabilization) to return it to properly functioning condition. Critical projects, including prevention, restoration, and monitoring, are identified and prioritized for each watershed, resulting in the development of a watershed restoration plan.

Watershed Restoration Plans – structure a comprehensive, long-term program to restore the health of watersheds, aquatic ecosystems and riparian habitats. Restoration addresses legacy and potential sediment delivery sites and riparian area needs, as well as other improvements, such as instream habitat enhancement or improving forest stand conditions. Current restoration emphasis is on controlling and preventing sediment runoff by upgrading and decommissioning roads and restoring damaged riparian meadows. Watershed restoration projects are not limited to priority watersheds.

National and Regional USFS Directives

Several USFS national and regional manuals and handbooks supplement the WIP by providing guidance for watershed-scale planning, restoration, and assessment. These include, but are not limited to, the following:

FSM 2520 Watershed Protection and Management (February, 1997) - provides national direction for watershed condition assessment, watershed improvement, emergency burned area response for wildfires, monitoring, riparian area management, floodplain management and wetland protection, emergency watershed protection, and natural disaster and flood damage surveys. Watershed improvement activities include road decommissioning, meadow restoration, and reforestation of burned areas.

FSM 2020 Ecological Restoration and Resilience (September 2008) – provides national guidance for using ecological restoration in the management of NFS lands, further supporting watershed analysis and restoration.

USFS Region FSH 2509.22 Soil and Water Conservation Handbook, Chapter 20 (July 1988) - provides direction for assessing cumulative watershed effects.

Broad-scale Forest Plan Guidance

Two broad sets of USFS Guidance apply across multiple national forests (Figure 1). The 1994 Northwest Forest Plan (NWFP) applies to NFS lands in Northwestern California and northward. The 2004 Sierra Nevada Forest Amendments Plan (SNFPA) applies to California NFS lands in the Cascade Range, Modoc Plateau and Sierra Nevada. The NWFP and the SNFPA are not identical, but they have many features in common. Both function within the context of the WIP and the directives discussed above.

Key Watersheds or Critical Aquatic Refuges – comprise a system of watershed-scale refugia for fish and wildlife that are established under the NWFP or SNFPA, respectively. They are generally included in priority watersheds established under the WIP. Key watersheds comprise nearly 40% of NFS lands within the NWFP. These watersheds are managed to maintain or recover habitat for anadromous and resident fish species, and they have a high priority for restoration and protection of riparian functions. Specific road management guidelines apply to such watersheds: 1) no new roads in roadless areas; 2) no new roads in unroaded portions of roadless areas; and 3) reduction in existing road mileage (no net increase if funding is insufficient to implement reductions).

Aquatic Conservation Strategy (ACS) or Aquatic Management Strategy (AMS) - is the primary mechanism protecting aquatic resources within the NWFP and SNFPA areas, respectively. They set forth similar, but not identical, objectives for maintaining and restoring important water-related features and values. Table 1 shows both sets of objectives, placing side-by-side those that are most similar.

Designated riparian zones[3] - are a key component of each strategy. They are lands along ephemeral, intermittent, and perennial streams and potentially unstable areas where special standards and guidelines direct land use. They maintain a diverse riparian community that provides resiliency to the system, a buffer area against sediment from upslope activities, and canopy for shade and aquatic nutrition. Designated riparian zones maintain hydrologic, geomorphic and ecological processes that directly affect streams and fish habitats. Widths of the zones can range from a minimum of 100 feet on each side of ephemeral and/or intermittent streams to over 300 feet on each side of perennial fish bearing streams. Only activities that support each strategy's objectives are permissible within a designated riparian zone.

[3] A "designated riparian zone" refers to the Riparian Reserve for those forests under the NWFP, to the Riparian Conservation Areas for those forests under the SNFPA, and to Riparian Conservation Areas for the Southern California forests as defined pursuant to FSH 2509.22, Appendix E.

Table 1. – NWFP and SNFPA Objectives

NWFP Objectives	SNFPA Objectives
Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.	Maintain and restore water quality to meet goals of the Clean Water Act and Safe Drinking Water Act, providing water that is fishable, swimmable, and suitable for drinking after normal treatment.
Maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal, and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries, and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements of aquatic and riparian-dependent species.	Maintain and restore spatial and temporal connectivity for aquatic and riparian species within and between watersheds to provide physically, chemically and biologically unobstructed movement for their survival, migration and reproduction.
Maintain and restore habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species.	Maintain and restore habitat to support viable populations of native and desired non-native plant, invertebrate, and vertebrate riparian-dependent species. Prevent new introductions of invasive species. Where invasive species are adversely affecting the viability of native species, work cooperatively with appropriate State and Federal wildlife agencies to reduce impacts to native populations.
Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.	Maintain and restore the species composition and structural diversity of plant and animal communities in riparian areas, wetlands, and meadows to provide desired habitats and ecological functions.
Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.	Maintain and restore the connections of floodplains, channels, and water tables to distribute flood flows and sustain diverse habitats.
Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.	Maintain and restore the distribution and health of biotic communities in special aquatic habitats (such as springs, seeps, vernal pools, fens, bogs, and marshes) to perpetuate their unique functions and biological diversity.
	Maintain and restore soils with favorable infiltration characteristics and diverse vegetative cover to absorb and filter precipitation and to sustain favorable conditions of stream flows.
Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.	
Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.	
Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected.	

Watershed Analysis or Landscape Analysis - is another component of each strategy under the NFWP or SNFPA, respectively. These have been required at the 5th field watershed scale, and they are currently required at the 6th field watershed scale. Watershed analysis evaluates the geomorphic and ecological processes operating in a watershed and is intended to enable watershed planning to achieve ACS/AMS objectives. It provides the basis for monitoring and restoration programs. It informs restoration planning efforts through the identification of watershed problems, such as erosional features, problem roads and road sections, and riparian areas not meeting ACS/AMS objectives, as well as identifying those areas that should be preserved from any activities. As of 2010, watershed analysis has been completed for a majority of the priority watersheds on NFS lands in California. The Proposed Statewide Waiver requires the USFS to provide an anticipated schedule for completion of all remaining analyses.

Land and Resource Management Plans (LRMPs)

Each Forest has a LRMP, also known as a "forest plan." These plans provide broad guidance for forest management over 10 - 15 year periods, as well as standards and guidelines for the forest's activities and projects. LRMPs determine areas within each forest that are suitable for different resource management activities, including timber harvest, livestock grazing, and recreation, they establish desired conditions for forest resources, and they include plans for wildfire suppression. LRMPs are prepared and analyzed under NEPA. Within their respective geographic areas, the NWFP and SNFPA control the LRMPs of the individual national forests. Riparian protections and other ACS/AMS components are included in LRMPs for each forest.

The four southern California national forests (Los Padres, Angeles, San Bernardino, and Cleveland National Forests) collaborated in developing their LRMPs. They have consistent requirements that are comparable to the NWFP or SNFPA. Although each southern California national forest has its own LRMP, they have all adopted supplements to FSH 2509-22 that provide protection to riparian conservation areas similar to the protection afforded through the NWFP and SNFPA.

Individual Project Plans

Individual projects and activities undergo analysis to determine how BMPs should be applied on a site-specific scale to avoid environmental impacts, including water quality. Site-specific, on-the-ground prescriptions to implement each BMP are then specified for each activity. Several documents and processes provide guidance for effective implementation of site-specific, on-the-ground prescriptions, including, but not limited to:

- USFS Timber Sales Administration Handbook
- Project-specific design criteria
- Regional Soils Standards included in the LRMPs provide direction for protecting soil productivity, particularly as it applies to ground disturbance relative to soil compaction and erosion.
- Wet Weather Operation Standards that address practices that each forest has to implement to avoid erosion and sedimentation from activities conducted during wet weather.
- Project implementation mechanisms (e.g., contracts, permits, and other agreements)

(USFS has established on on-line library of technical reference documents, both internal and external, to assist its staff and other interested parties in selecting and implementing appropriate site-specific prescriptions for water quality protection.)

UPDATED USFS WQMP (which will become a new USFS WQMH)

The State Water Board action is predicated upon USFS updating of the existing WQMP. The State Water Board and USFS agreed that the existing WQMP needed to be updated for the following reasons:

1. Subsequent changes in the Water Boards' regulatory landscape have been substantial. These changes include the following:

    a. Amendments to the Water Code mandating that all waivers be formal, conditional, temporary, and include monitoring and authorizing the State Water Board to adopt statewide waivers.
    b. Pursuant CZARA and related guidance from USEPA, adoption by both the State Water Board and the California Coastal Commission of the NPS Program Plan and its companion volume, California Management Measures for Polluted Runoff. The NPS Program Plan includes silvicultural management measures that USEPA funding programs hold the State accountable for implementing.
    c. Pursuant to the Water Code amendments, adoption of the NPS Policy. This policy sets forth "key elements" required of any third-party program for NPS control.
    d. Pursuant to the federal Clean Water Act: i) the listing of many of the State's waters flowing from or through NFS lands as being impaired by sediment or temperature; ii) calculation of total maximum daily loads (TMDLs) for many of these waters, and iii) adoption of TMDL implementation plans or other regulatory mechanisms for many of these waters.

2. Subsequent improvements in scientific knowledge regarding the condition of forest resources and resulting major changes in USFS guidance, including:

    a. The studies related to the 1994 multi-agency NWFP.
    b. The 1996 Sierra Nevada Ecosystem Project, which found that the range's riparian and wetland habitats were among those most severely damaged.
    c. The resulting 2004 USFS SNFPA.
    d. Pursuant to the State and Federal Endangered Species Acts, the listing of most anadromous salmonid populations in the State, as well as several species of forest-dwelling amphibians, as threatened or endangered.

3. Subsequent changes in land uses and activities have been substantial. Timber harvesting is much diminished. Fire suppression and fuel management are much increased. OHV recreation is an increasing cause of water quality impacts on NFS lands in California.
4. Knowledge regarding the effectiveness of various BMPs and the processes by which they are administered has improved substantially. Results of the USFS BMP Evaluation Program (BMPEP) have contributed significantly to this added knowledge.
5. USFS adoption of the updated document as an official USFS handbook (FSH), (which has not been done for the existing WQMP) will strengthen its institutional force and implementation.

The most significant changes in the new USFS WQMH include the following:

1. New and stronger objectives for protecting the quality and beneficial uses of water.
2. New and stronger BMPs for:

    a. National forest roads, including their location, design, construction/reconstruction, use, maintenance and decommissioning;
    b. Range management; and
    c. OHV recreation

3. New and stronger processes for administering BMPs, turning what are primarily performance standards into specific on-the-ground prescriptions for individual project sites.
4. Enhanced program for: a) remediating discharges from legacy (problem) sites of past activities and b) contributing toward restoration of impaired beneficial uses in 303(d)-listed waters.
6. Expanded water quality monitoring program with important new components needed to:

    a. Ensure full WQMH implementation;
    b. Provide both short-term and long-term feedback loops to ascertain the effectiveness of the WQMP BMPs and of the actual site-specific on-the-ground prescriptions being used to apply them;
    c. Determine the trends in watershed and water quality conditions over time;
    d. Assist in prioritizing remediation and watershed restoration activities; and
    e. Enable adaptive management.

7. New adaptive management program to iteratively improve effectiveness and implementation of BMPs and other measures to protect water quality.

As amended, the new USFS WQMH:

1. Implements the relevant management measures set forth in the NPS Program Plan, and conforms to the key elements for a third party program set forth in the NPS Policy.
2. Increases USFS accountability and transparency, internally and in relation to both the public and the Water Boards.
3. Will, to a significant degree: 1) better maintain the quality and beneficial uses of water where they are currently in good condition, 2) better protect them where they are threatened, and 3) more effectively contribute toward their restoration where they are impaired.
4. Will be adopted by USFS as a Forest Service Handbook, giving it formal standing as an official USFS directive.

<u>New WQMH Objectives</u>

The WQMH sets forth the following new objectives:

1. To ensure that the quality and beneficial uses of water are maintained where they are in good condition, consistent with the Federal and State anti-degradation/non-degradation policies, and the principles of conservation biology.

2. To protect the quality and beneficial uses of water from further degradation in water bodies that are trending toward impairment, as defined by Clean Water Act Section 303(d).
3. To make substantial progress toward eventual delisting of water body segments listed pursuant to Clean Water Act Section 303(d).
4. To remediate legacy sources of pollution.
5. To ensure compliance with Federal and State water-quality objectives and legal requirements in the most efficient manner.
6. To enhance Forest Service performance as a water-quality management agency, and increase and improve its responsibility, transparency and accountability in its relationships with the Water Boards and the public.

The first three of these new objectives are performance standards regarding what BMPs and their implementation are to achieve for the waters of the State, and they are consistent with the primary water quality mandates of the Water Boards.

New or Substantially Improved BMPs

The existing USFS WQMP addresses a suite of activities that USFS is mandated to provide for on NFS lands. The categories of activities are: 1) timber management, 2) road and building construction, 3) fire suppression and fuels management, 4) range management, 5) mining, 6) non-motorized recreation, 7) vegetation manipulation, and 8) watershed management. These activities can nevertheless generate NPS pollution. To focus amendments on the issues of greatest importance, USFS and Water Board staffs, in collaboration with participants in a public workshop, determined that the first four activities were of greatest concern for water quality. In addition, they also all agreed that motorized recreation had become an activity with substantial water quality impacts. Starting within those five activity categories, USFS has amended those BMPs that were effective less than 90 percent of the time even when adequately implemented. The road BMPs have been entirely revised and strengthened. New BMPs have been created for OHVs. The WQMH and Proposed Statewide Waiver set forth a schedule for further BMP amendments. These BMP amendments will substantially strengthen the level of water quality protection provided by the new WQMH.

New Administrative Procedures

USFS and Water Board staffs and the stakeholders all agreed that weaknesses in USFS administrative processes have often been a significant contributor to water quality problems, and they identified those weaknesses that, in their experience, contributed to the most common or significant problems. The revised chapter on administrative measures sets forth how USFS will address those weaknesses. It reflects new USFS Guidance, especially the NWFP and SNFPA, which provide greatly improved water quality protection over what is reflected in the previous WQMP. This is expected to provide a very significant improvement for water quality.

Remediation of Legacy Sources

Many of the most significant water quality problems on NFS lands are not from new projects or activities, but are from unhealed damage caused by activities that may have happened several decades ago. The fourth new objective and the entirely new WQMH

chapter on remediation of legacy sources reflect the USFS incentive to remediate such problems. This is expected to provide very significant water quality improvement.

Greatly Expanded Monitoring Program

The new WQMH chapter on monitoring reflect the high interest among both the public and the two agencies in determining how well water quality is actually faring on NFS lands. It has been widely recognized that the existing BMPEP monitoring, while providing valuable programmatic information, leaves many critical questions unaddressed. The new chapter greatly expands the scope and ability of USFS monitoring to address many of these questions and to do so in a more timely manner. The expanded monitoring will provide information needed to meaningfully implement adaptive management.

Adaptive Management, Accountability and Transparency

The last new objective and the entirely new WQMH chapter on adaptive management reflect both a new USFS commitment to iterative BMP improvement and public participation. The new approach provides a means for the public to bring problems, both site-specific and more general, to the attention of the agencies and to participate in developing and implementing needed corrections. Enhanced accountability and transparency have had vigorous public support and have been a high priority for USFS from the beginning of this process. While these are most strongly tied to the adaptive management program, aspects are found throughout the entire WQMH.

SPECIFICS OF THE PROPOSED BOARD ACTION

The State Board will take action, pursuant to California Water Code section 13269, to adopt the Proposed Statewide Waiver and thereby waive the requirements to submit a ROWD and issue WDRs for those NPS activities that are addressed by the new USFS WQMH and meet the conditions of the Waiver. The NPS activities addressed by the WQMH have the potential to impact the environment and water quality in particular.

The Proposed Statewide Waiver covers those NPS activities or projects on NFS lands for which the following requirements have been reasonably implemented[4]:

1. NEPA requirements;
2. The USFS Guidance as described in findings 6 – 19 of the Waiver and on pages 7 – 14 above, and as further expanded upon in sections of the following checklist;
3. The new USFS WQMH; and
4. The Waiver's own conditions and requirements, which include compliance with water quality standards and other requirements.

The NEPA requirements for environmental analysis and protection cross a broad spectrum of resources and require disclosure of potential impacts to such resources. The USFS Guidance focuses on mitigation of a similarly broad set of environmental

[4] Reasonable implementation includes application of site-specific on-the-ground prescriptions, remediation of legacy problem sources, other watershed improvement work, and responsible adaptive management.

impacts. The USFS WQMH further augments environmental protection, especially for water quality, and it is, in turn, further augmented by the Waiver's own conditions.

This Initial Study finds, and the Proposed Statewide Waiver anticipates, that reasonable implementation of the foregoing set of requirements will be sufficient to:

1. Avoid or mitigate to less than significant any potentially significant adverse environmental impacts; and
2. Maintain the existing high quality of water, protect threatened beneficial uses of water, and contribute substantially toward recovery of beneficial uses of water that are already impaired by sediment, temperature, dissolved oxygen, bacteria, and nutrients.

Nevertheless, the Proposed Statewide Waiver rejects coverage of any specific NPS activity or project on NFS lands that would have effects not examined in the Initial Study and for which potential environmental impacts may not be reduced to less than significant through implementation of the foregoing requirements. Specifically, if the project will result in significant environmental effects not identified in the Initial Study, or a substantial increase in the severity of environmental impacts identified in the Initial Study (this may be due to project variation from the typical project, site-specific circumstances, or other reasons) the project cannot receive coverage under the Waiver, must be regulated through individual WDRs or some other permitting mechanism, and must be subject to a separate Order with appropriate CEQA analysis. Prior to enrolling an activity or project under the Waiver, the Regional Water Board must ensure that any potentially significant environmental impacts identified in the Initial Study are mitigated to a less than significant level through site-specific on-the-ground prescriptions that implement the mitigation measures identified in this Initial Study.

The Proposed Statewide Waiver limits its coverage to activities that pose low or moderate risk to water quality, and it imposes additional specific conditions, as well as Regional Board review, on those that pose moderate risk. The Waiver establishes the following two categories of activities based on potential risk to water quality:

<u>Category A</u> - activities and projects (e.g., non-commercial Christmas tree cutting, hazard tree removal along roads) that pose a low risk to water quality, that require no additional specific conditions beyond the Waiver's statewide general conditions, and that do not require specific project review by a Regional Water Board; and

<u>Category B</u> - activities and projects (e.g. timber harvest and road building) that pose potentially moderate risk to water quality, that require additional specific conditions beyond the Waiver's statewide general conditions, and that require Regional Water Board review of USFS-proposed site-specific on-the-ground prescriptions. Application for coverage under this Waiver is required for such projects and activities.

The Statewide Waiver requires that, in the case a particular Category A project or activity is determined to have a potentially significant impact on the environment, that project or activity be treated as a Category B activity.

With the exception of emergencies, work necessary to protect life, property, or important natural or cultural resources, the listed activities and projects generally go through the NEPA process of identifying potential environmental impacts. That analysis includes scoping, consideration of alternatives, a public comment period, environmental analysis,

and selection of a preferred alternative, with an appeal process. Where a categorical exclusion applies, USFS prepares a decision memorandum setting out the grounds for the categorical exclusion. The Proposed Statewide Waiver requires that all activities and projects receiving coverage under the Waiver be conducted in accordance with the site-specific on-the-ground prescriptions needed to address any water quality impacts, and any additional site-specific on-the-ground prescriptions necessary to implement the applicable mitigation measures identified in this Initial Study.

For Category B activities, the Proposed Statewide Waiver additionally requires that USFS watershed specialists review proposed projects or activities and identify in the project documents the necessary site-specific on-the-ground prescriptions where the combination of site conditions and proposed activities elevate the risk to water quality. These include:

1. Activities affecting areas with intrinsically high erosion potential, known landslides or unstable areas, unstable banks or channels, floodprone areas, wetlands, or designated riparian zones.
2. Activities in or close to riparian zones, such as any of the following: construction or reconstruction of watercourse crossings, landings, or skid trails; use of fire; road decommissioning.
3. Other activities, such as heavy equipment on steeper slopes, instream restoration projects or mechanical site preparation.

For Category B activities, the project and environmental documents generated must be submitted to the Regional Water Board as an application for enrollment under the Waiver. The USFS must submit documentation of the site-specific on-the-ground prescriptions sufficient to enable the Regional Water Board to determine whether the project as approved will implement the mitigation measures identified in this Initial Study and address any water quality impacts. As part of the application process, the USFS must (with certain exceptions) also submit an Erosion Control Plan for Regional Water Board review. The Waiver requires the USFS to provide documentation of the environmental analysis completed for the project, as well as public comments and responses on that analysis, and when needed, to provide additional analysis, in order for an affected Regional Water Board to determine if the activity is compliant with the Waiver. Where the USFS has found a project to be eligible for a categorical exclusion, the USFS must submit the decision memorandum supporting that determination as part of the application. The project can only be enrolled after Regional Water Board review of the application.

Many of the activities listed under Category B are ongoing activities on NFS lands; however, generally, new Category B projects are eligible for coverage under the Waiver. New projects are projects that undergo NEPA review after the adoption of the Statewide Waiver. Ongoing Category B activities, such as ongoing OHV use on an existing trail or an existing grazing allotment, are not “automatically” covered under the Waiver. Generally, ongoing use and operations are not subject to USFS environmental and project review unless, for example, an existing trail is expanded or repaired, at which point the USFS is expected to conduct the appropriate environmental review and generate an application for Regional Board review. The Waiver contemplates that, in limited circumstances, the USFS may request coverage of an ongoing activity, but requires that the USFS then generate and submit project and environmental documents sufficient to provide for meaningful Regional Board review, including a demonstration

that the ongoing activity or project has been reevaluated in light of the requirements of the USFS Guidance, updated USFS WQMH, and the requirements of the Waiver. The Statewide Waiver specifically provides the option for such process and review for grazing allotments that will not be undergoing NEPA review during the term of the Waiver.

The Proposed Statewide Waiver requires that all Category B activities be conducted in accordance with the NEPA document and with the Waiver application, including project modifications, design features, and mitigation measures to avoid any adverse impact(s) to water quality. In order to ensure that the prescriptions and control measures identified in the environmental analysis and decision are carried forward into the documents that will actually be implemented by those conducting the project, the Waiver requires inclusion of site-specific on-the-ground prescriptions in the project contracts, permits, work orders, or other implementation mechanism.

The Proposed Statewide Waiver ensures the enforceability of all water quality requirements and of the site-specific on-the-ground prescriptions. The Waiver requires that all activities, whether conducted by the USFS or a third party, comply with all applicable water quality requirements, which are defined as water quality standards, guidelines, TMDLs, and prohibitions set forth in water quality control plans and policies adopted and approved by the State Water Board. The Proposed Statewide Waiver also requires that the activity or project be conducted in accordance with the site-specific on-the-ground prescriptions established for the project. Violations of these conditions are subject to enforcement under the Waiver.

The Proposed Statewide Waiver does not cover any of the following types of discharges. When the discharges are a component of a larger project, the remainder of the project may still be covered under the Waiver.

1. Discharges subject to construction or industrial stormwater permits;
2. Discharges subject to other NPDES permits under the CWA, including, but not limited to, silvicultural point sources as defined in 40 C.F.R. 122.2;
3. Discharges subject to Section 404 dredge and fill permits or 401 Water Quality Certification;
4. Discharges subject to pre-existing Waste Discharge Requirements
5. Discharges from abandoned mines or mining waste, except to the extent that the USFS employs management practices that address sediment and temperature from roads, unvegetated soil, and building pads that are associated with mining activity on NFS land.
6. Discharges of hazardous waste or human waste.
7. Discharges subject to hydropower relicensing.
8. Discharges from septic tanks or other wastewater treatment and disposal systems.

The Proposed Statewide Waiver also does not obviate the need for USFS to obtain whatever permits from other agencies may be required for a proposed activity, including but not limited to building construction subject to the Uniform Building Code.

The Proposed Statewide Waiver does not authorize any of the following:

1. Creation of pollution, contamination or nuisance, as defined by Water Code section 13050;

2. Discharges not in compliance with water quality requirements[5];
3. Nonpoint discharges by third parties conducting activities on NFS lands under written authorization of the USFS except as specified in the Waiver;
4. Application of herbicides or pesticides;
5. Any USFS action that it is not otherwise authorized to take; or
6. Any act that results in taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544).

The Proposed Statewide Waiver does not supersede Regional Water Board authority to require a ROWD or issue WDRs for activities that do not meet water quality requirements as defined and set out in the Waiver. It also does not supersede any more rigorous water-quality-related requirements that are: 1) established in agreements between any affected Native American tribe and the USFS, or 2) established by a Water Board as necessary to lead to de-listing of water body segments listed as impaired pursuant to CWA section 303(d).

Recognizing the great environmental variation across the State's NFS lands, the Proposed Statewide Waiver reflects the environmental and administrative differences between the major planning regions on NFS lands, i.e. regions covered by the NWFP, the SNFPA, and the southern forests. It also requires that site-specific on-the-ground prescriptions be developed and applied for each project or activity covered by the Waiver.

The Proposed Statewide Waiver authorizes the State Water Board or its Executive Director to, for cause, terminate the Waiver's application to categories of or specific projects or activities.

The Proposed Statewide Waiver sets forth broadly applicable general conditions, including the following:

1. Pursuant to the ACS and AMS, establishment, management, and restoration of designated riparian zones to protect ephemeral, intermittent, and perennial streams and potentially unstable areas;
2. Active inventorying, prioritizing, and scheduling of legacy sediment sites for remediation. Within six months of adoption of the Waiver, each forest must provide to any affected Regional Water Board a list of watersheds, including the watershed name and the date the watershed assessment and/or watershed restoration plan was completed or is scheduled for completion. The list must be updated annually.
3. Implementation of site-specific on-the-ground prescriptions to appropriately adapt and apply the BMPs to the specific site;
4. Substantial improvements in administrative processes to strengthen and verify implementation of on-the-ground prescriptions; and
5. An expanded monitoring and reporting program, including:

    a. For all projects:

[5] Water quality requirements include water quality standards, as well as all other requirements, including guidelines, TMDLs, and prohibitions, set forth in water quality control plans and policies adopted or approved by the State Water Board.

i. auditing of all projects and activities using a BMP checklist;
ii. continued random BMPEP monitoring of current projects and activities, including corrective actions; and
iii. road patrols after major storms and annual Green-Yellow-Red OHV trail monitoring.
iv. retrospective monitoring to evaluate the long-term (5-year) performance of BMPs.

b. Baseline long-term instream monitoring at key sites in selected watersheds
c. Project-triggered In-channel monitoring for Category B projects:

i. project-level in-channel monitoring for projects in watersheds without baseline monitoring; and
ii. BMPEP evaluation of high-risk activities.

d. Range allotment monitoring

i. fecal indicator bacteria monitoring in high-use recreation areas within or downstream of active range allotments; and
ii. range condition and trend monitoring, including riparian condition and streambank stability.

The Proposed Statewide Waiver requires that each forest ensure that grazing activities are consistent with the ACS/AMS goals, the USFS WQMH, that USFS follow its rescission schedule for reviewing allotments, and that USFS considers amending that schedule based on evidence of risks to public health and/or water body impairments associated with grazing allotments.

Where a proposed activity includes direct or indirect effects to water quality, the Proposed Statewide Waiver requires the USFS to conduct a cumulative watershed effects (CWE) analysis and include specific measures in the proposed project needed to reduce the potential for CWEs in order to assure compliance with applicable water quality requirements.

Each forest is required by the Proposed Statewide Waiver to prepare an annual report summarizing and discussing the monitoring results by March 15 each year following the monitoring. The required content and format for the Report is specified in the Monitoring and Reporting Plan (Attachment C to the Waiver). Water Board staff will review the reports and provide each forest with comments. The comments will be discussed with each forest, and any agreed to changes incorporated into the next year's monitoring. The Waiver also requires annual meetings between the State Water Board and the USFS Regional Office.

ENVIRONMENTAL SETTING

An Initial Study must identify the environmental setting for a project (Cal. Code Regs, tit. 14, §15063). The environmental setting is "the physical environmental conditions in the vicinity of the project, as they exist . . . at the time environmental analysis is commenced, from both a local and regional perspective." (Cal. Code Regs, tit. 14, §15125(a)).

The project area covers all NFS lands in the State (Figure 1). It therefore includes nearly all the environmental variability that characterizes California's wildlands, from wet coastal rain-forests with little seasonal temperature variation to semi-desert pinyon/juniper forests with extreme temperature variation, sweltering brush-fields and ice-bound alpine peaks.

This section summarizes the general environmental conditions and land uses for each of the State's major ecological sections that include substantial NFS lands. Much more detailed information regarding each ecological section can be found at the following website: http://www.fs.fed.us/r5/projects/ecoregions/. The great majority of NFS land in California lies within the Sierran Steppe-Mixed Forest-Coniferous Forest Province of the Mediterranean Regime, Mountains Division of the Humid Temperate Domain, but some, along the eastern edge of the State, lies within the Intermountain Semi-Desert Province of the Temperate Desert Division of the Dry Domain (Figure 3).

This section also summarizes existing and ongoing NPS activities on NFS land that are appropriately considered part of the environmental setting.

KLAMATH MOUNTAINS

The Klamath Mountains are almost entirely covered by NFS lands. They are an old and complex range that is deeply dissected by a convoluted network of steams. Altitude ranges from 200 to 9,000 feet, increasing toward the southeast. They are largely cloaked by forests of large conifers, which have been repeatedly sculpted by landslides, wildfire and floods. They support abundant and diverse wildlife. The Klamath River and its tributaries once had the most productive populations of steelhead, coho salmon and Chinook salmon in the State, but these are now listed as threatened or endangered. Native Americans have inhabited the Klamath Mountains for about 8,000 years, and some communities still retain their cultural traditions. Euroamerican impacts originated with the Gold Rush, including those from hardrock mining, large-scale dredging of streams, and generations of logging. Logging and recreation are currently among the most important activities on NFS lands and waters.

NORTHERN CALIFORNIA COAST RANGES

Substantial portions of the Northern California Coast Ranges are covered by NFS lands. Altitude ranges from a few hundred feet to about 8,100 feet. As reflected in the distribution of major streams and coniferous forest, the climate of the northern end and seaward side of the section is much more equable and moist than that of the eastern side. Very unstable terrain and moderate earthquakes are also common on the seaward side. Damaging wildfire and floods are common. Wildlife is abundant and diverse, but all populations of steelhead and salmonids are listed as threatened or endangered. Humans have occupied the area for about 10,000 years. Significant Euroamerican impacts began in the mid 1800s and early 1900s related to mining, grazing, logging and recreational activities. On NFS lands and waters, logging and recreation are currently among the most important activities.

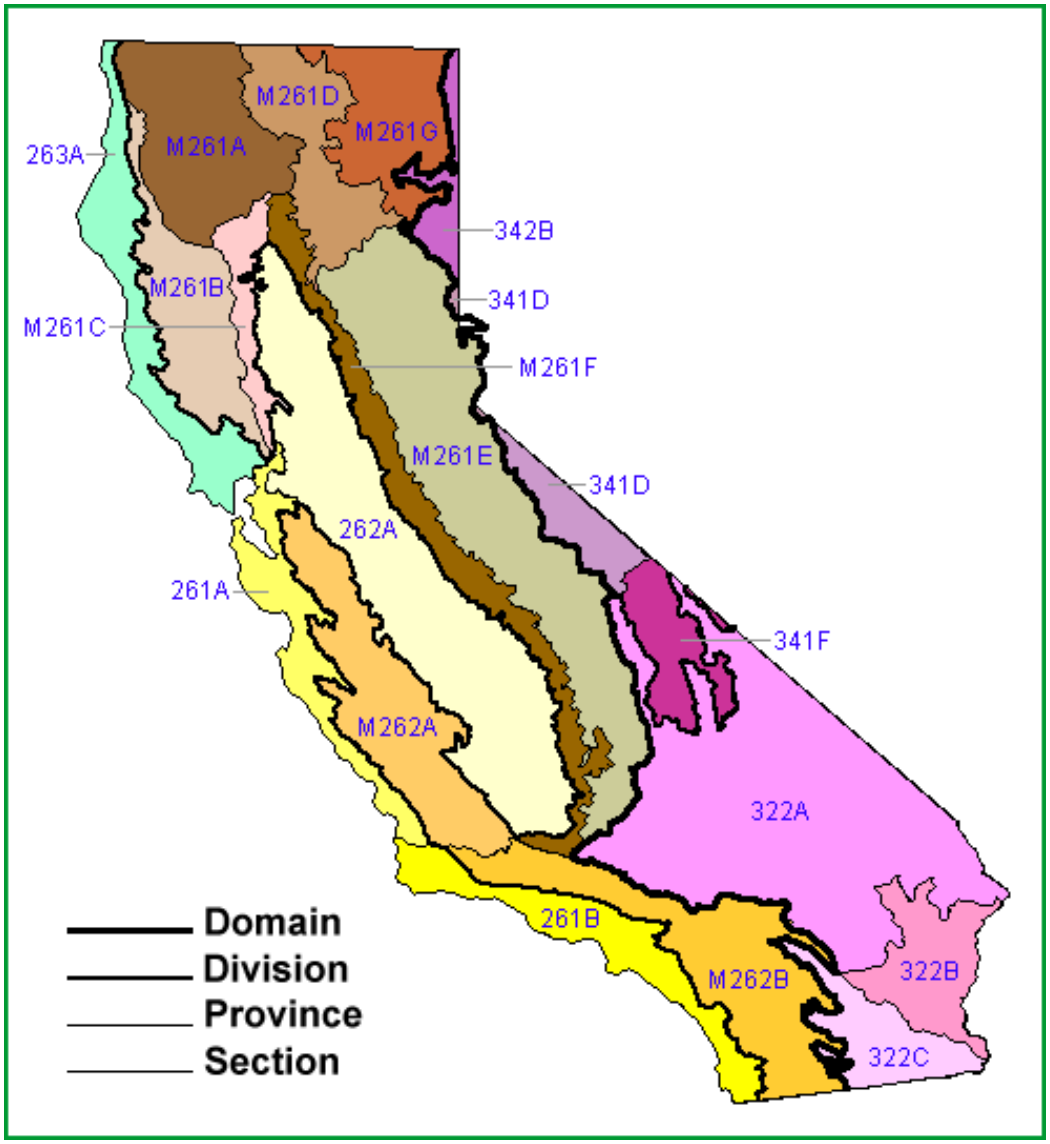
SOUTHERN CASCADES

The Southern Cascades are almost entirely covered by NFS lands. They are composed of exclusively of relatively young volcanic rocks and landforms. Altitude

ranges from 2000 feet to well over 10,000 feet on the younger volcanic peaks. Middle elevations are forested with large conifers. Wildlife is abundant and diverse. The few rivers flow to the Klamath and Sacramento Rivers and easterly onto the Modoc Plateau. Due to dams, only a few smaller streams still support populations of anadromous salmonids. Native Americans have occupied the Southern Cascades for about 8,000 years. Significant Euroamerican impacts began in the mid 1800s and early 1900s related to mining, grazing, logging (especially by railroad) and recreational activities. The important current activities on NFS lands and waters are logging and recreation.

MODOC PLATEAU

The Modoc Plateau is a portion of the Basin and Range province that has been flooded with volcanic rocks related to the Cascades. It has primarily a cold high desert climate. Open coniferous forest occurs on middle to upper altitudes, with juniper and sagebrush at middle to lower altitudes. NFS lands discontinuously cover the more forested areas. There are few perennial streams, but numerous large lakes and wetlands that are important for migrating waterfowl. Wildlife is more sparse, but very diverse. Humans have been utilized the plateau for about 10,000 years. Euroamerican agriculture began in the mid-1800s. Current important activities on NFS lands include logging, grazing, and recreation.



200 Humid Temperate Domain

M260 Mediterranean Regime Mountains Division

M261 Sierran Steppe-Mixed Forest-Coniferous Forest Province

M261A Klamath Mountains Section
M261B Northern California Coast Ranges Section
M261C Northern California Interior Coast Ranges Section
M261D Southern Cascades Section
M261E Sierra Nevada Section
M261F Sierra Nevada Foothills Section
M261G Modoc Plateau Section

M262 California Costal Range Open Woodland-Shrub-Coniferous Forest-Meadow Province

M262A Central California Coast Ranges Section
M262B Southern California Mountains and Valleys Section

300 Dry Domain

340 Temperate Desert Division

341 Intermountain Semi-Desert Province

341D Mono Section
341F Southeastern Great Basin Section

342 Intermountain Semi-Desert Province

342B Northwestern Basin and Range Section

Figure 3. – Ecological Subdivisions of California

SIERRA NEVADA

The Sierra Nevada is a very large block mountain range that is tilted west, with a very steep eastern face. Altitude ranges from 1,000 feet to well over 14,000 feet. Local relief ranges from 500 to 2000 feet. Although middle and upper elevations on the western slope receive abundant precipitation, the eastern face is dry due to a pronounced rain shadow. NFS lands and coniferous forests cover most of the lower middle to upper elevations. Wildfire is common. Wildlife is abundant and diverse. Numerous large rivers flow down both sides of the crest, but dams have blocked access for anadromous salmonids on all but a few smaller streams. Numerous lakes and wet meadows occur above 5,000 feet. Riparian and aquatic habitats are the most heavily impacted, primarily by numerous large dams and water diversions. Native Americans have occupied the Sierra Nevada for about 10,000 years, and there is still extensive traditional use of natural resources on NFS lands. Euroamerican impacts became significant beginning in the mid-1800s and early 1900s with mining, grazing, logging (especially railroad logging) and recreational activities. The most significant current activity on NFS lands is recreation, followed by logging, mining, and grazing. Significant resource pressure is caused by rapid growth of residential and recreational populations.

BASIN AND RANGE

Isolated desert ranges separated by aggraded desert plains lie just west of the Sierra Nevada. Altitudes of NFS lands (mostly on higher ranges) are from 4400 to over 14,000 feet. Climate is predominately cold high desert. Except in riparian zones, vegetation (mostly desert scrubland) is sparse at lower altitudes. Conifers are predominately pinyon and juniper except at high elevations. Wildlife is diverse, and is abundant at middle and upper elevations. A few perennial streams flow from the mountains, and they terminate in playas and lakes. Native Americans have occupied the area for 10,000 years. Significant Euroamerican impacts began in the mid-1800s and early 1900s, related to mining, grazing, logging, and agricultural and recreational activities. Currently, primary activities on NFS lands include recreation, logging, and grazing.

SOUTHERN CALIFORNIA MOUNTAINS

NFS lands are scattered along the higher portions of the Transverse Ranges and Peninsular Ranges. The climate of the ranges immediately along the coast is strongly moderated by marine influence, while further inland that influence is much diminished. Altitude ranges from sea level to 11,500 feet. Chaparral shrublands are widespread at low to moderate elevations, while coniferous forest occurs on higher, more interior ranges. Wildlife is fairly abundant and diverse. Wildfire and air pollution significantly affect the environment. Streams are fairly common, but few are perennial. Native Americans have occupied the area for some 10,000 years. Late in the 1700s, Spanish colonies and missions converted the area to ranching and farming; the later citrus industry became a major agricultural influence. Widespread urbanization has displaced most of the earlier agriculture and a great portion of previously undeveloped natural areas. NFS lands are heavily used for recreation.

CENTRAL CALIFORNIA COAST RANGES

NFS lands are scattered along the higher portions of the Coast Ranges in central California. The climate of the ranges immediately along the coast is strongly moderated

by marine influence, while further inland the influence is much diminished. Altitudes range from sea level to 5200 feet. Oak-grass woodlands are common, as are chaparral shrublands. On NFS lands, conifers occur only in seaside ranges. Wildlife is fairly abundant and diverse. Streams are relatively few, and perennial streams are rare. Of these, one or two support the southernmost, small and highly endangered populations of salmon. Native Americans have occupied the area for about 8,000 years. Euroamerican impacts began in the 1700s when Spanish colonies introduced extensive agriculture. Recreation is currently the primary use of NFS lands.

EXISTING CONDITIONS AND ONGOING NPS ACTIVITIES ON NFS LANDS

An extensive system of roads has been built on NFS land in California, especially following the end of World War II. Historically, such roads were built primarily to accommodate commodity extraction (e.g., timber, minerals, water). Today, some continue to be used as access roads, many have been converted to recreational roads or trails, while others have been closed or decommissioned. Portions of the existing road system are significant sources of sediment discharges.

NFS lands are also home to extensive recreational facilities and activities. These include campgrounds, hiking and biking trails, boating docks, and trails designated for OHV use.

Certain historic uses of NFS lands may also be considered part of the environmental setting. These include existing areas of concentrated recreational use, public campgrounds, and trails. Additionally, existing grazing under long-term allotments is an ongoing NPS activity.

Such activities were ongoing on NFS lands prior to Board action and are part of the environmental baseline to be considered in the CEQA analysis. The environmental baseline is discussed in greater detail below.

POTENTIAL EFFECTS OF PROPOSED PROJECT

CONSIDERATION OF THE ENVIRONMENTAL BASELINE AND OF CATEGORICAL EXEMPTIONS

CEQA requires a lead agency to prepare an Initial Study to determine whether a project may have a significant effect on the environment (Cal. Code Regs., tit. 14, §15063(a).) A "significant effect on the environment" means “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance” (Cal. Code Regs, tit. 14, §15382.) The baseline by which a lead agency determines whether an impact is significant is generally “the physical environmental conditions in the vicinity of the project, as they exist . . . at the time environmental analysis is commenced.” (Cal. Code Regs, tit. 14, §15125.) Existing operations are part of the baseline conditions for environmental review and only increases over that baseline are project impacts for purposes of the analysis of the significance of the impact. (*Communities for a Better Environment v. South coast Air Quality Management District* (2010) 48 Cal.4th 310.) Moreover, the baseline incorporates existing physical conditions and operations from pre-existing structures

and activities, regardless of whether such structures and activities subject to prior CEQA review. (See *Fat v. County of Sacramento* (2002) 97 Cal App.4th 1270; *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428*; c.f. Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.) The continuation of such activities does not create an environmental impact as compared to the baseline environmental conditions.

In the context of the Proposed Statewide Waiver, certain operations and physical conditions are part of the baseline as discussed under the Environmental Setting section. Many Category B activities and projects eligible for enrollment under the Waiver will be new projects[6] with the potential to generate significant environmental impacts beyond the baseline conditions. However, ongoing activities with no expansion in scope may also receive coverage under the Waiver. The impacts from such activities do not constitute significant environmental impacts as compared to the baseline conditions.

Certain ongoing activities and projects may also be exempt from CEQA review under the categorical exemption for existing facilities. (Cal. Code Regs., tit. 14, §15301.) Subject to certain exceptions (Cal. Code Regs., tit. 14, §15300.2), the existing facilities exemption exempts from CEQA review, the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." Included among the examples are "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities." (Cal. Code Regs, tit. 14, §15391(c).)[7]

ENVIRONMENTAL CHECKLIST

A detailed checklist is attached describing potential environmental impacts arising from the NPS activities on NFS land that may be regulated through the Board's Proposed Statewide Waiver. The activities covered by the Waiver are all among those that USFS is mandated to provide for on NFS lands.

Because the Proposed Statewide Waiver is expected to regulate many new projects, which may generate significant environmental impacts beyond the baseline conditions, those potential impacts are analyzed fully in the checklist that follows. The mitigation measures that the USFS has agreed to incorporate into such projects are considered in the checklist, along with the potential environmental impacts. These mitigation measures, expressed generally as performance standards, are contained in the USFS Guidance, USFS WQMH, and in the Waiver itself, and represent a significant revamping of the requirements for NPS discharges on NFS lands.

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[6] New projects are projects that undergo NEPA review after adoption of the Statewide Waiver.

[7] Additionally, aspects of this action are exempt from CEQA as procedures for protection of the environment. Consistent with the CEQA Guidelines' Class 7 Exemption, this Order (and waiver) imposes requirements taken by a regulatory agency "to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment" (Cal. Code Regs, tit. 14, § 15307.) Consistent with Class 8, requirements under this Order are taken by a regulatory agency "to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." (Cal. Code Regs, tit. 14, § 15308.)

A wide range of NPS activities on NFS lands across the State are eligible for coverage under the Proposed Statewide Waiver. Recognizing the programmatic nature of the Waiver and, by necessity, the programmatic nature of the environmental analysis of this Initial Study, the Waiver sets up a process by which the Regional Water Board acts as a gatekeeper to ensure project-level consideration of environmental impacts. A project cannot receive coverage under the Statewide Waiver, if it has 1) potential significant environmental impacts not identified in the Initial Study, 2) potential significant impacts that are substantially more severe than the impacts identified in the Initial Study, or 3) environmental impacts that cannot be reduced to less than significant levels through mitigation identified in the Initial Study. Prior to enrolling any activities or projects under the Waiver, the Regional Water Board will ensure that any potentially significant environmental impacts identified in the Initial Study are mitigated to a less than significant level through site-specific on-the-ground prescriptions.

As an action aimed at mitigating the water quality impacts of NPS activities on NFS lands, the Board action will generally improve, not worsen, the environmental impacts of NPS activities on NFS lands. Compared to continued implementation of the existing WQMP, implementation of the Updated WQMH is expected to greatly improve the maintenance, protection, and restoration of water quality while allowing NPS activities to continue on NFS lands. In addition, USFS and the Water Boards are committed to an ongoing process of improving BMPs and any other provisions of the WQMH. At a programmatic level, the environmental impacts of NPS activities on NFS lands are expected to decrease as a result of the Board action, even if the action will permit activities to go forward with potential impacts at a localized project level.

The checklist that follows provides information on the nature of potential significant impacts of the activities that may be permitted under the Proposed Waiver and the mitigations agreed to by the USFS to reduce their potential impacts to less than significant.

Because a number of the mitigation measures discussed in the checklist are referenced from USFS WQMH, Table 2 below is provided as a convenient list of the BMPs in the new USFS WQMH.

Table 2. –USFS WQMH Best Management Practices

Type of NPS Activity[8]	USFS Best Management Practices
Timber Management	1.1 - Timber Sale Planning Process
	1.2 - Timber Harvest Unit Design
	1.3 - Determining Surface Erosion Hazard for Timber Harvest Unit Design
	1.4 - Using Sale Area Maps and/or Project Maps for Designating Water Quality Protection Needs
	1.5 - Limiting the Operating Period of Timber Sale Activities
	1.6 - Protecting Unstable Lands
	1.7 - Prescribing the Size and Shape of Regeneration Harvest Units
	1.8 - Streamside Management Zone Designation
	1.9 - Determining Tractor-loggable Ground
	1.10 - Tractor Skidding Design
	1.11 - Suspended Log Yarding in Timber Harvesting
	1.12 - Log Landing Location
	1.13 - Erosion Prevention and Control Measures During Timber Sale Operations
	1.14 - Special Erosion-prevention Measures on Disturbed Land
	1.15 - Regeneration of Areas Disturbed by Harvest Activities
	1.16 - Log Landing Erosion Control
	1.17 - Erosion Control on Skid Trails
	1.18 - Meadow Protection during Timber Harvesting
	1.19 - Streamcourse and Aquatic Protection
	1.20 - Erosion-control Structure Maintenance
	1.21 - Acceptance of Timber Sale Erosion-control Measures Before Sale Closure
	1.22 - Slash Treatment in Sensitive Areas
	1.23 - Five-year Restoration Requirement
	1.24 - Non-recurring “C” Provisions that can be used for Water-quality Protection
	1.25 - Modification of the Timber Sale Contract

[8] Although each WQMP BMP is presented under a particular NPS activity category, its applicability is not necessarily limited to that category, but extends wherever it is germane. Thus, for example the road BMPs for minimizing soil disturbance and sediment discharges apply wherever there is a ground-disturbing activity to prevent and minimize soil erosion are applicable.

Type of NPS Activity	USFS Best Management Practices
Road Management	2.1 - Travel Management Planning and Analysis
	2.2 - General Guidelines for the Location and Design of Roads
	2.3 - Road Construction and Reconstruction
	2.4 - Road Maintenance and Operations
	2.5 - Water Source Development and Utilization
	2.6 - Road Storage
	2.7 - Road Decommissioning
	2.8 - Stream Crossings
	2.9 - Snow Removal and Storage
	2.10 - Parking and Staging Areas
	2.11 - Equipment Refueling and Servicing
	2.12 - Aggregate Borrow Areas
	2.13 - Erosion Control Plans (roads and other activities)
Mining	3.1 - Water Resource Protection on Locatable Mineral Operations
	3.2 - Administering Terms of Bureau of Land Management (BLM)- issued Permits or Leases for Mineral Exploration and Extraction on NFS Lands
	3.3 - Administering Common Variety Mineral-removal Permits
Recreation	4.1 - Sampling, Surveillance, and Sanitary Surveys of Primary Contact Recreation Waters
	4.2 - Providing Safe Drinking Water Supplies
	4.3 - Documenting Water Quality Data
	4.4 - Control of Sanitation Facilities
	4.5 - Control of Solid Waste Disposal
	4.6 - Assuring that Organizational Camps Have Proper Sanitation and Water Supply Facilities
	4.7 - Best Management Practices for Off-Highway Vehicle Facilities and Use
	4.7.1 - Planning
	4.7.2 - Location and design
	4.7.3 - Watercourse crossings
	4.7.4 - Construction, reconstruction
	4.7.5 - Monitoring
	4.7.6 - Maintenance and operations
	4.7.7 - Wet-weather operations
	4.7.8 - Restoration of off-highway vehicle-damaged areas
	4.7.9 - Concentrated-use area management
	4.8 - Sanitation at Hydrants and Water Faucets within Developed Recreation Sites
	4.9 - Protecting Water Quality within Developed and Dispersed Recreation Areas
	4.10 - Location of Pack and Riding Stock Facilities and Use Areas in Wilderness, Primitive, and Wilderness Study Areas

Type of NPS Activity	USFS Best Management Practices
Vegetation manipulation	5.1 - Soil-disturbing Treatments on the Contour
	5.2 - Slope Limitations Mechanical Equipment Operation
	5.3 - Tractor Operation Limitation in Wetlands and Meadows
	5.4 - Revegetation of Surface-disturbed Areas
	5.5 - Disposal of Organic Debris
	5.6 - Soil Moisture Limitations for Tractor Operations
	5.7 - Pesticide Use Planning Process
	5.8 - Pesticide Application According to Label Directions and Applicable Legal Requirements
	5.9 - Pesticide Application Monitoring and Evaluation
	5.10 - Pesticide Spill Contingency Planning
	5.11 - Cleaning and Disposal of Pesticide Containers and Equipment
	5.12 - Streamside Wet Area Protection During Pesticide Spraying
	5.13 - Controlling Pesticide Drift During Spray Application
Fire Suppression & Fuels Management	6.1 - Fire and Fuels Management Activities
	6.2 - Consideration of Water Quality in Formulating Fire prescriptions
	6.3 - Protection of Water Quality from Prescribed Burning Effects
	6.4 - Minimizing Watershed Damage from Fire-suppression Efforts
	6.5 - Repair or Stabilization of Fire-suppression-related Watershed Damage
	6.6 - Emergency Rehabilitation of Watersheds Following Wildfires
Watershed management	7.1 - Watershed Restoration
	7.2 - Conduct Floodplain Hazard Analysis and Evaluation
	7.3 - Protection of Wetlands
	7.4 - Forest Hazardous Substance Spill Prevention Control and Countermeasures Plan
	7.5 - Control of Activities under Special Use Permit
	7.6 - Water Quality Monitoring
	7.7 - Management by Closure to Use (Seasonal, Temporary, and Permanent)
	7.8 - Cumulative Off-site Watershed Effects
Range Manage-ment	8.1 - Range Analysis and Planning
	8.2 - Grazing Permit Administration
	8.3 - Rangeland Improvements

INITIAL STUDY/ENVIRONMENTAL CHECKLIST

Project title:

Categorical Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Activities On National Forest System Lands In California

Lead agency name and address:
State Water Resources Control Board (State Water Board)

Preparer and phone number:
Gaylon Lee (916)-341-5478

Project location: National Forest System Lands in California

Project sponsor's name and address:
State Water Resources Control Board
1001 I Street
Sacramento, CA 85812
Attn: Gaylon Lee

Brief description of project:
The State Water Board will adopt a statewide waiver of WDRs and ROWDs for NPS activities on NFS lands for which potential impacts to water quality from NPS discharges can be reduced to less than significant through a combination of USFS Guidance, the USFS WQMH, and the conditions of the Waiver. These activities include timber management, road management, range management, recreation, off-highway vehicle recreation, vegetation manipulation, watershed restoration, fire suppression and fuels management. The dominant purpose of the Board action is to better maintain, protect and restore the quality and beneficial uses of water and to clarify and facilitate federal agency compliance with water quality requirements.

Surrounding land uses and setting:
Rangeland grazing, irrigated agriculture, motorized and non-motorized recreation (land and water), mining (hardrock, gravel, suction dredging), timber harvest, open space, and rural/urban interface.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

With the exception of emergencies, projects enrolling in the Proposed Statewide Waiver must generally first have gone through the USFS NEPA decision making process (described above) and received a legal notice of decision. This categorical waiver may be superseded by the adoption by the State Water Board or an affected Regional Water Board of specific or general WDRs for types of discharges covered by this Waiver.

California Department of Fish and Game Code section 1603 generally prohibits persons from substantially diverting or obstructing the natural flow or substantially changing the bed, channel, or bank of any river, stream, or lake designated by CDFG, or from using any material from the streambeds, unless

they have first notified CDFG of the activity. All rivers, streams, and lakes in California have been designated by CDFG, pursuant to California Code of Regulations, title 14, section 720. In addition, Section 1603 generally prohibits persons from commencing any activity affected by Section 1603 until CDFG has found that the activity will not substantially adversely affect an existing fish or wildlife resource, or until CDFG proposals, or the decisions of a panel of arbitrators assembled pursuant to procedures set forth in Section 1603, have been incorporated into the activity. CDFG enters into lake or streambed alteration agreements ("1603 Agreements") with those persons who notify CDFG of their proposed activities pursuant to Section 1603 in cases where CDFG determines the activities may substantially adversely affect an existing fish or wildlife resource.

This project does not preclude the need for persons conducting activities on NFS land to obtain permits which may be required by other local, state and federal governmental agencies.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors marked below would be potentially affected by this project, as indicated by the checklist on the following pages.

☒	Aesthetics	☐	Agriculture and Forestry	☒	Air Quality
☒	Biological Resources	☒	Cultural Resources	☒	Geology/Soils
☐	Greenhouse Gas Emissions	☒	Hazards and Hazardous Materials	☒	Hydrology/Water Quality
☐	Land Use/Planning	☐	Mineral Resources	☐	Noise
☐	Population/Housing	☐	Public Services	☒	Recreation
☒	Transportation/Traffic	☐	Utilities/Service Systems	☒	Mandatory Findings of Significance

DETERMINATION:

Based on the Initial Study prepared for the project, the State Water Resources Control Board has determined that potential project impacts on the environment would be mitigated to a less than significant level through incorporation of mitigation measures discussed.

Determination made through Resolution 2011-066, adopted at the December 6, 2011, meeting of the State Water Resources Control Board.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

    a. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

    b. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

2. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

3. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:

    a) Earlier Analysis Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project**:**				
a) Have a substantial adverse effect on a scenic vista?		X		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

a-c) Activities on NFS lands that are covered under the Proposed Statewide Waiver could potentially result in some aesthetic impacts, however, such impacts will be restricted in size, magnitude, and duration. Examples of activities that could result in aesthetic impacts include, but are not limited to, disturbed ground, noise and dust from timber and road management, and motorized recreation, smoke from prescribed burning, visual alteration of forest stands from fuels treatments and timber management, and animal wastes from range management.

Scenic Quality of or within national forests is valued for the aesthetic enjoyment and physiological benefits if offers. “Viewing Wildlife” and “Viewing Natural Features” are among the top recreational activities of visitors to national forests. Each Forest’s LRMP includes visual quality objectives. Each Forest is required to consider these objectives in the design of each project. Each Forest is also required to meet these objectives, manage visual resources to conserve the natural scenic character of the forest, emphasize management of the visual resource seen from communities, high-use recreation areas and major roads and trails, and conserve the inherent scenic attractiveness of distinctive landscapes. Pre-project evaluation applies the methodology and design features from current National Forest Landscape Management (USDA 1974). In addition, the enhanced watershed and riparian area protections required under the USFS Guidance, particularly the USFS WIP, AMS and ACS, can further benefit aesthetic values.

Implementation of the USFS WQMH will not cause or contribute to degradation of aesthetic values. Several of the BMPs will tend to enhance visual aesthetics, including the following:

- BMP 1.8 – Streamside Management Zone Designation
- BMP 1.18 – Meadow Protection during Timber Harvesting

- BMP 1.19 – Streamcourse and Aquatic Protection
- BMP 5.3 – Tractor Operation Limitation in Wetlands and Meadows
- BMP 7.1 – Watershed

The Proposed Statewide Waiver itself has no provisions related specifically to protection of aesthetic values. However, because: 1) the USFS already has in place policies and procedures for identifying and protecting visual resources, 2) the Waiver requires all projects to comply with the USFS Guidance and WQMH, and 3) the streamside management and watershed restoration provisions of the Waiver and of the USFS WQMH (pp. 161, 231) will enhance visual aesthetics, the appropriate finding is **less than significant with mitigation incorporation.**

d) The proposed project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views; therefore, the appropriate finding is **no impact.**

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

a-c) NFS lands are not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance or otherwise zoned for agricultural use. The proposed project would not involve converting or re-zoning agricultural land to non-agricultural use. There will be no change to agricultural resources in the project area over existing conditions due to activities on NFS lands covered under the Proposed Statewide Waiver; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

a-e) USFS activities covered by the Proposed Statewide Waiver may generate dust emissions as the result of timber and road management, motorized recreation, and other construction activities associated with USFS projects. Dust generated from activities on NFS lands affects air quality for a very short period of time and only in the close vicinity of the project area. Other air pollutants may be emitted during such activities, including exhaust from heavy equipment. Smoke will be emitted during prescribed burning of logging slash or underburning during fuel reduction projects.

USFS Guidance requires that USFS maintain air quality consistent with legal requirements and avoid prolonged air quality impacts to local communities. FSM 2500, Chapter 2580, Air Resource Management, requires that USFS managers do the following: 1) monitor the effects of air pollution and atmospheric deposition on forest resources; 2) monitor air pollutants when USFS goals and objectives are at risk and adequate data are not available; 3) cooperate with Federal, State, and local air regulatory agencies to protect resource values; 4) participate with them in the assessment of air quality monitoring needs and in the development or revisions of air quality standards and regulations affecting forest resource; and 5) ensure that all land and resource management activities

comply with all substantive and procedural requirements of Federal, State, interstate, or local air regulatory authorities.

Some of the USFS WQMH provisions will tend to reduce dust problems, including the following:

BMP 2.1 - Road Maintenance and Operations, which requires road surface treatment strategies to reduce dust.

BMP 2.13 - Erosion Control Plan, which requires practices to control dust from other areas of ground disturbance.

The Proposed Statewide Waiver denies enrollment to activities that could violate any local, state, and federal regulations, including the Clean Air Act and applicable state air quality standards, therefore activities covered by the Waiver are not expected to have a significant impact on air quality, and the appropriate finding is **less than significant impact.**

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

a,b,d) USFS activities covered by the Proposed Statewide Waiver could potentially result in adverse impacts to biological resources. Examples of potential impacts include discharge of sediment to streams due to ground disturbance from restoration activities, increased thermal loading to streams due to vegetation removal, and discharge of nutrients from grazing.

Covered activities on NFS lands are subject to evaluation of potential environmental impacts and mitigation pursuant to NEPA. USFS requires that its staff coordinate with the California Department of Fish and Game (CDFG), and all federal agencies are required to consult with the US Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS), during project planning if potential impacts to threatened or endangered species are identified.

USFS Guidance is strongly focused on protecting and improving the condition of biological resources in general, but especially of listed specifies, and aquatic, wetland, and riparian habitats. In addition to reducing impacts to water quality, the goals of the USFS Guidance are to maintain a healthy forest ecosystem with habitat that will support populations of native species, particularly those associated with late-successional and old growth forests, identify key watersheds, and evaluate and prioritize watershed restoration needs. For example, see the provisions of the NWFP and SNFPA discussed on page 11 above.

In addition, FSM series 2000, “National Forest Resource Management”, has a number of objectives for the maintenance and protection of the biological environment.

Biological Diversity (FSM chapter 2070)

- Manage for compositional, structural, and functional attributes of biologically diverse forest, rangeland, and aquatic ecosystems consistent with ecological processes in the province. USFS activities must recognize the importance of the interactions of ecosystems at the regional, landscape, and site levels.
- Maintain diverse and productive wildlife, fish, and sensitive plant habitats as an integral part of the ecosystem.

- Manage for desired healthy, resilient populations commensurate with ecological processes (such as fire), while meeting the multiple use objectives. Strive to meet the 1990 RPA population targets for selected species.
- Manage for a healthy forest, within natural ecological limitations.
- Emphasize the maintenance or improvement of Endangered, Threatened and Sensitive (TE&S) species habitat, species associations habitat, and game species habitat. Use specific project direction found in the Recovery Plans for individual species to help recover the viability of species currently listed as Endangered and Threatened. Manage to provide "good" habitat conditions for these groups, if that habitat type is within the range of the natural ecosystem.

Wildlife (FSM Title 2600)

- Coordinate habitat improvement activities with the California Department of Fish and Game (CDFG) to help meet the State's management plan goals for deer, pronghorn antelope, and other species.
- Develop and/or maintain unique wildlife habitats on the forest, such as wetlands, meadows, rocky cliffs, etc.

Fisheries (FSM Title 2600)

- Coordinate internally and externally to implement the Aquatic Conservation Strategy and manage designated riparian zones consistent with forest direction.
- Work to increase public awareness and appreciation of aquatic resources. In addition, the ACS and AMS contained in the NWFP and SNFPA, respectively, were developed to improve and maintain the ecological health of watersheds and aquatic ecosystems contained within them on federal public lands. Their components are designed to operate together to maintain and restore the productivity and resiliency of riparian and aquatic ecosystems and include the following objectives:
- Maintain and restore the distribution, diversity, and complexity of watershed- and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.
- Maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal, and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries, and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements of aquatic- and riparian-dependent species.
- Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.
- Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction and migration of individuals composing aquatic and riparian communities.
- Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage and transport.

- Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic and wetland habitats and to retain patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected.
- Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.
- Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.
- Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.

The USFS WQMH is more closely focused on protecting, maintaining and restoring the quality and beneficial uses of water, not just through stronger BMPs, but also through better BMP implementation, monitoring, and adaptive management, as well as watershed restoration. BMPs that directly address protection of specific habitats include the following:

1.8 - Streamside Management Zone Designation
1.18 - Meadow Protection during Timber Harvesting
1.19 - Streamcourse and Aquatic Protection
5.3 - Tractor Operation Limitation in Wetlands and Meadows
5.12 - Streamside Wet Area Protection during Pesticide Spraying

The USFS WQMH also includes updated range management BMPs, which are specifically designed to control NPS pollution from livestock grazing, including discharge of sediment and nutrients. These include the following:

8.1 - Range Analysis and Planning
8.2 - Grazing Permit Administration
8.3 - Rangeland improvements

The Proposed Statewide Waiver requires that USFS activities comply with the USFS Guidance and the USFS WQMH to protect water quality. The Waiver also requires compliance with any applicable basin plan. A basin plan specifies region-wide water quality objectives for waste discharges. Water quality objectives set narrative or numeric limits for constituents such as dissolved oxygen, pH, sediment, temperature, and pesticides. They are established to protect beneficial uses that have been designated for each of a Regional Water Board region's waters. For example, beneficial use designations can include cold- and warm-water habitats, aquatic habitats for sensitive species. The water quality objectives, together with the designated water body-specific beneficial uses and the anti-degradation policy constitute water quality standards. Because the Proposed Statewide Waiver requires compliance with any applicable basin plan’s requirements, all of these human and non-human beneficial uses are protected from adverse impacts of activities on NFS lands covered under the Waiver.

The Proposed Statewide Waiver contains conditions related to preventing sediment transport to water bodies and protection of riparian vegetation. These include limiting activities within designated riparian zones and requiring that the USFS manage and maintain designated riparian zones to ensure retention of adequate vegetation that results in appropriate water temperatures.

Additionally, the Proposed Statewide Waiver requires covered activities to comply with existing regulations regarding any species identified as a candidate, sensitive, or special status species that currently apply, including the California and Federal Endangered Species Act. The Waiver does not authorize any act that results in the taking of a threatened or endangered species. The Waiver rejects enrollment of any activities that could violate any applicable local, state or federal requirements.

Together, the USFS Guidance, WQMH, and the Waiver conditions will ensure that any impacts to biological resources in the project area are mitigated to less than significant, and therefore, the appropriate finding is **less than significant with mitigation.**

c) The waiver explicitly does not cover activities that are subject to 404/401 permitting requirements. Therefore, the appropriate finding is **no impact.**

e, f) NFS lands are not within the jurisdiction of local policies and ordinances, therefore, this action does not implicate local regulations protecting biological resources, such as a tree preservation policy or ordinance. The requirements of any habitat conservation plan are not superseded by the Proposed Statewide Waiver. Therefore, the appropriate finding is **no impact.**

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

a-d) USFS activities covered under the Proposed Statewide Waiver have the potential to impact cultural resources. Such impacts could result from activities such as road construction, reconstruction, decommissioning, or maintenance, vegetation management, or restoration work. Ground disturbance from these activities could disturb historic, archaeological, paleontological resources, or unique geological features.

Federal regulations adopted to protect such resources require that USFS land managers identify and protect such sites. The following Federal regulations apply to all activities conducted on NFS lands:

- **Preservation of American Antiquities Act** – States that any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined, be imprisoned, or both at the discretion of the court.

- **National Historic Preservation Act** - requires that federal agencies act as responsible stewards of the nation's resources when their actions affect historic properties.

- **Preservation of Historical and Archeological Data –** seeks to protect against the threat of irreparable loss or destruction of significant scientific, prehistoric, historic, or archeological data by Federal construction projects.

- **Archaeological Resources Protection Act** - secures the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources.

- **Native American Graves Protection and Repatriation Act** - provides a process for museums and Federal agencies to return certain Native American cultural items -- human remains, funerary objects, sacred objects, or objects of cultural patrimony -- to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. The Act includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on Federal and tribal lands, and penalties for noncompliance and illegal trafficking.

Cultural sites that would potentially be impacted will be identified and protected as required by Federal regulations. The Waiver will not supersede any more stringent protection measures set forth in agreements between USFS and Native American tribes. Therefore, any impacts to the cultural resources of the project area will be **less than significant**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?		X		
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

a i-iii) The Proposed Statewide Waiver does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. Because the project does not involve these factors, the appropriate finding is **no impact**.

a iv) The Proposed Statewide Waiver does not change the exposure of people or structures to potential substantial adverse effects involving landslides due to activities on NFS lands over current conditions. Any activities that are allowed under the Waiver, such as timber harvesting, that could affect known landslides or unstable areas are considered “Category B” activities. Specific Waiver conditions for Category B activities require that a USFS watershed specialist must clearly indicate within NEPA documents and/or within the Waiver application the project modifications, design features, and/or mitigation measures to be implemented to avoid adverse impact(s).

USFS Guidance addresses potential landsliding and slope instability. The ACS of the NWFP and the AMS of the SNFPA require that forest land managers identify landslides, inner gorges, and other unstable areas within the designated riparian zones, and they provide standards and guidelines to protect these areas. In general, the standards and guidelines in the ACS/AMS already prohibit or severely limit activities within portions of the landscape that are vulnerable to landsliding, unless those activities can be shown to contribute towards attainment of the objectives of the ACS/ AMS.

Landsliding is addressed in several of the BMPS set forth in the USFS WQMH, including the following:

- BMP 1-6 -Protection of Unstable Lands.
- BMP 1.9 - Determining Tractor-loggable Ground
- BMP 1.12 - Log Landing Location
- BMP 1.22 - Slash Treatment in Sensitive Areas
- BMP 2.1 - Travel Management Planning and Analysis
- BMP 2.3 - Road Construction and Reconstruction
- BMP 2.7 - Road Decommissioning
- BMP 5.2 - Slope Limitations for Mechanical Equipment Operation
- BMP 4.7.1 - Planning (for OHV trails) includes avoiding areas prone to mass wasting
- BMP 5.6 - Soil Moisture Limitations for Mechanical Equipment Operations.

The Proposed Statewide Waiver requires implementation of protection measures contained in USFS Guidance and the USFS WQMH that are designed to reduce the risk of increased rates of landsliding. In addition, Category B Waiver conditions require the USFS to conduct a multi-disciplinary review of proposed activity, including review by watershed specialists, to identify on-the-ground prescriptions needed to implement the USFS WQMH, and any additional necessary control measures for the proposed activity. The USFS must clearly indicate within NEPA documents project activities within or which could affect known landslides or unstable areas. If there is a concern regarding effects of a Category B activity on slope stability, Regional Water Board staff will be able to review the proposed activity to determine that mitigation measures and site-specific prescriptions are appropriate and adequate for site conditions. The activity must be conducted in accordance with NEPA documents and/or with the Waiver application, including project modifications, design features, and/or mitigation measures to avoid any adverse impact(s) to water quality. The activity shall be monitored, pursuant to the Monitoring and Reporting requirements, to

assure that project modifications, design features, and/or mitigation measures were implemented and effective in avoiding any adverse impact(s) to water quality. Should such monitoring indicate that unacceptable impacts occurred, corrective measures will be implemented as soon as feasible.

The risk of activities on NFS lands resulting in increased rates of landsliding is adequately mitigated through existing USFS requirements and by conditions in the Proposed Statewide Waiver and, therefore, the appropriate finding is **less than significant with mitigation incorporation**.

b) USFS activities covered by the Proposed Statewide Waiver have the potential to cause ground disturbance that could result in soil erosion and loss of topsoil if adequate BMPs are not implemented. Such activities include motorized recreation, road construction, reconstruction, decommissioning, and maintenance, restoration work, vegetation management, rehabilitation and other activities requiring use of heavy equipment in the forest setting. The potential for soil erosion to occur due to these activities is widely recognized, and therefore, Waiver conditions, USFS Guidance include numerous measures intended to minimize soil erosion and loss of topsoil during these activities.

The following USFS Guidance is intended to prevent and minimize soil erosion and loss of topsoil:

- **The NWFP ACS and SNFPA** provide standards and guidelines for maintaining a healthy forest ecosystem. Preventing and minimizing soil erosion from activities on NFS lands is consistent with the goal of maintaining a healthy forest ecosystem.

- **The USFS Region 5 FSH 2509.22 Soil and Water Conservation Handbook chapter 20** provides direction for assessing cumulative watershed effects. The objective of the handbook is to present a process to develop site specific conservation practices for use on NFS lands to minimize effects of management activities on soil and water resources, and to protect beneficial uses of water. It describes the application, monitoring, evaluation, and adjustment of these conservation practices. The handbook also provides soil and water conservation practices which have been tested and have provided protection in specific situations, and that can be utilized or adapted in developing in developing site specific conservation practices. The handbook is a supplemental document to all Forest Plans.

The USFS WQMH BMPs are designed to minimize soil erosion from timber management, road and building site construction, mining, recreation, vegetation manipulation, fire suppression and fuels management, watershed management, and range management.

BMPs addressing this issue include, but are not limited to, the following:

- BMP 1.3 - Determining Surface Erosion Hazard for Timber Harvest Unit Design
- BMP 1.9 - Determining Tractor-loggable Ground
- BMP 1.10 - Tractor Skidding Design

- BMP 1.11 - Suspended Log Yarding in Timber Harvesting
- BMP 1.12 - Log Landing Location
- BMP 1.13 - Erosion Prevention and Control Measures during Timber Sale Operations
- BMP 1.14 - Special Erosion-prevention Measures on Disturbed Land
- BMP 1.15 - Revegetation of Areas Disturbed by Harvest Activities
- BMP 1.16 - Log Landing Erosion Control
- BMP 1.17 - Erosion Control on Skid Trails
- BMP 1.20 - Erosion-control Structure Maintenance
- BMP 1.21 - Acceptance of Timber Sale Erosion-control Measures before Sale Closure
- BMP 2.2 - General Guidelines for the Location and Design of Roads
- BMP 2.3 - Road Construction and Reconstruction
- BMP 2.6 - Road Storage
- BMP 2.7 - Road Decommissioning
- BMP 2.8 - Stream Crossings
- BMP 2.9 - Snow Removal and Storage
- BMP 2.13 - Erosion Control Plan
- BMP 4.7 - Best Management Practices for Off-Highway Vehicle Facilities and Use
- BMP 5.4 - Revegetation of Surface-disturbed Areas
- BMP 5.5 - Disposal of Organic Debris

One of the primary functions of the Proposed Statewide Waiver is to regulate and control sediment discharge caused by soil erosion. As such, the Waiver conditions augment the USFS Guidance and WQMH provisions for preventing and minimizing such discharge. Such conditions include the following:

- Each Forest shall manage and maintain designated riparian zones to ensure retention of adequate vegetative cover in accordance with the NWFP, the SNFPA, and the southern California LRMPs.

- Each Forest shall actively address legacy or pre-existing discharges and/or threats to water quality. Sediment delivery sites must be inventoried, prioritized, and scheduled for remediation. There is an expectation that each forest will make reasonable progress towards completing inventories and remediating legacy nonpoint sites, especially where timely implementation is necessary for sediment TMDL compliance.

- Each Forest shall make legacy site inventories available to Water Board staff for review and allow inspection of sites as needed to assist in prioritization.

- All activities undertaken by the USFS or its contractors and permittees pursuant to the Proposed Statewide Waiver shall comply with the USFS Guidance and the USFS WQMH for water quality protection, and any specific conditions set forth in this Waiver. This includes following the Wet Weather Operation Standards as developed for each forest, and minimizing erosion and riparian disturbance from roads, watercourse crossings, road decommissioning, or other activities that have the potential to discharge sediment.

- USFS shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity) (or the General NPDES Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit) for non-timber construction projects on NFS land that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

- Areas where soil has been disturbed by project activities, excluding grazing, within designated riparian zones must be stabilized prior to the beginning of the winter period, prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours, or at the conclusion of operations, whichever is sooner.

- The USFS shall report, within 10 days of discovery, to the affected Regional Water Board, areas within designated riparian zones that are disturbed by grazing that may result in a significant discharge, and any measures taken to prevent, minimize, or mitigate the potential to discharge.

- Where management activities and individual projects within designated riparian zones have resulted in burned areas, the USFS must prevent, minimize, and mitigate discharges to waters of the state by following the appropriate USFS BMPs and standard erosion control techniques.

- 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 applicable basin plan. The scale and extent of CWE analyses will be commensurate with the scale and intensity of the projects seeking coverage under the Proposed Statewide 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.

- The USFS shall implement the designated riparian zone program and prevent, minimize, and mitigate sediment discharges by following the appropriate BMPs and standard erosion control techniques for activities adjacent to streams and drainages, or other locations or situations where likelihood of discharge exists.

- Minimize new road construction in watersheds designated by USFS as "Key Watersheds" and in high risk watersheds.

- Follow USFS guidance for watershed assessment and planning to inventory, prioritize, and remediate legacy sediment discharge sites. Where individual projects are planned in a watershed without such an inventory, inventory and remediate such sites in the project area.

Therefore, any impacts to from erosion or loss of topsoil in the project area are mitigated by the criteria and conditions contained in the Proposed Statewide Waiver, including compliance with USFS Guidance and the USFS WQMH, in addition to the USFS compliance with its own Management Direction, including the USFS Soil and Conservation Handbook. The appropriate finding is **less than significant with mitigation.**

c) Soils susceptible to lateral spreading, subsidence, liquefaction or collapse are virtually never found on NFS lands in California. USFS activities covered by the Proposed Statewide Waiver could potentially result in creation of new unstable areas where none previously existed, either on- or off-site, due to physical changes in a hill slope affecting the mass balance, material strength, or hydrology of the slope. Such changes are typically the result one, or a combination of more than one, of the following types of activities:

- ground disturbance such as construction activity that removes material from portions of a slope or places fill material on steeps slopes,
- timber harvest or other vegetation management that removes trees that provide root strength or vegetative cover from a hill slope
- road or building construction that changes runoff patterns.

As described in a iv above, the USFS Guidance and WQMH limit activities within portions of the landscape that are vulnerable to landsliding. Prior to conducting any of the Category B activities, the Proposed Statewide Waiver requires that the NFS land managers conduct assessment and planning by multi-disciplinary teams when any of the these proposed activities could affect a designated riparian zone, wetland, or known unstable or landslide area, and a USFS watershed specialist must clearly indicate within NEPA documents and/or within the Waiver application the project modifications, design features, and/or mitigation measures to be implemented to avoid any adverse impact(s) to water quality, including avoiding impacting existing unstable areas or creating new ones where previously none existed.

The Proposed Statewide Waiver requires implementation of the USFS Guidance and WQMH, and its conditions substantially augment the already substantial requirements of the USFS Guidance and WQMH. If there is a concern regarding effects of a Category B activity on soil stability, Regional Water Board staff will be able to review the proposed activity to determine that mitigation measures and site-specific prescriptions are appropriate and adequate for site conditions. Therefore, any potential impacts will be identified and requirements set out in the USFS Guidance and USFS WQMH will be incorporated to mitigate potential impacts to less than significant. Therefore, the appropriate finding is **less than significant with mitigation.**

d) The Proposed Statewide Waiver does not obviate the need for USFS to obtain whatever permits from other agencies may be required for a proposed activity, including but not limited to building construction subject to the Uniform Building Code. Therefore, the appropriate finding is **no impact**.

e) USFS activities covered under the Proposed Statewide Waiver would not involve septic tanks or alternative wastewater disposal systems. Because the project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

a) The USFS Strategic Framework for Responding to Climate Change (USFS 2008) addresses climate change resulting from anthropogenic greenhouse gas emissions through a framework that includes mitigation, policy, and sustainable operations to reduce the buildup of greenhouse gases.

Carbon is stored by vegetation through photosynthesis, and through decomposition in soil substrates. This storage on NFS lands can offset greenhouse gas emissions from fossil fuel combustion and other human activity. Management of forests and grasslands to enhance terrestrial carbon storage, including planting trees, reforestation and avoiding forest conversion, are important components to mitigate effects of greenhouse gas emissions.

Effective mitigation requires balancing carbon sequestration with other ecosystem services. Activities that mitigate include increased carbon sequestration and forest management practices that result in reduced emissions from large-scale events, such as wildfires and insect epidemics. The key to sequestering carbon will be to recruit dominant vegetation components such as old growth stands and to manage woody biomass into solid wood product substitutes or incorporate carbon into the soil for slowed release and long term storage.

The potential for carbon sequestration in national forests is limited, because, in their current heavily stocked condition, they are more susceptible to damage by wildfire, insects, and disease. Management activities can thin the forest, allowing the remaining trees to grow larger, improve ecosystem health, and reduce the risk of damaging wildfire.

The proposed project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, therefore, the appropriate finding is **no impact**.

b) In response to the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32), the California Air Resources Board (CARB) adopted the Climate Change Scoping Plan in December, 2008. The AB 32 Scoping Plan contains the key strategies California will use to reduce the GHG emissions that are thought to cause climate change. With respect to forestry practice, the Scoping Plan (page 64) provides:

> *The 2020 target for California's forest lands is to achieve a 5 MMTCO2E reduction through sustainable management practices, including reducing the risk of catastrophic wildfire, and the avoidance or mitigation of land-use changes that reduce carbon storage.*
>
> *The federal government must also use its regulatory authority to, at a minimum, maintain current carbon sequestration levels for land under its jurisdiction in California.*
>
> *California forests are now a net carbon sink. This means that atmospheric removal of carbon through sequestration is greater than atmospheric emissions from processes like fire and decomposition of wood. However, several factors, such as wildfires and forest land conversion, may cause a decline in the carbon sink. The 2020 target would provide a mechanism to help ensure that current carbon stocks are, at a minimum, maintained and do not diminish over time. The 5 MMTCO2E emission reduction target is set equal to the magnitude of the current estimate of net emissions from California's forest sector. As technical data improve, the target can be recalibrated to reflect new information.*

The proposed project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

a-b) USFS activities can involve the transport and use of materials that would qualify as hazardous pursuant to the California Health and Safety Code section 25501(o). These materials include gasoline and diesel to fuel equipment, hydraulic fluid associated with equipment operations and machinery, and herbicides. The presence and use of gasoline, diesel, and hydraulic fluid would be limited to the amounts needed to operate heavy equipment and will not be present in amounts to cause a significant hazard to the public or the environment.

Forest Service Manual Chapter 2160, “Hazardous Materials Management” establishes the authority for management of hazardous materials on NFS lands and ensures the following:

- The USFS provides the appropriate level of training to its staff on the potential safety and health risks from hazardous materials in accordance with the employee's duties,

- The USFS incorporates pollution prevention in all aspects of hazardous materials management. Emphasize source reduction as the primary means of maintaining compliance with applicable Federal, State, and local environmental regulations,

- The USFS ensures proper handling, storage, transportation, and disposal of hazardous materials in all activities. Prior to disposal of any material, consider reuse and recycling of that material,

- Consider need, employee risk of exposure, effectiveness, environmental impacts, economic efficiency, and availability of less hazardous alternatives when deciding whether and which hazardous materials to use,

- Ensure appropriate and timely response to releases or threats of releases of hazardous materials.

The USFS WQMH includes BMP 2.11-Equipment Refueling and Servicing, which is designed to prevent pollutants such as fuels, lubricants, and bitumen and other harmful material from being discharged into or near rivers, streams and impoundments, or into natural or man-made channels. It specifies that if the volume of fuel exceeds 1,320 gallons, project Spill Prevention, Containment and Counter Measures (SPCC) plans are required. Waste materials, such as contaminated soil, must be disposed of properly, service and refueling areas must be located well away from wet areas and surface waters, and berms , impermeable liners or other techniques must be used to contain spills. Operators are required to remove service residues, waste oil and other material from NFS land. They must also be prepared to take responsive actions in case of a hazardous substance spill, according to the Forest SPCC plan. Other BMPs related to roads (BMP 2.8 – Stream Crossings, BMP2.10 – Parking and Staging Areas) and OHVs (BMP 4.7.9 - Concentrated-use area management) emphasize the need for care near water bodies.

In addition, BMP 7-4, “Forest Hazardous Substance Spill Prevention, Control, and Countermeasure (SPCC) Plan” is a preventative and corrective practice. The forest SPCC Plan is a document to guide the emergency response to spills, or discovery of hazardous materials within a forest. The SPCC Plan provides a process to coordinate the various local, state, and Federal agencies into a unified force that can effectively react to releases of hazardous materials within a forest boundary. USFS staff must coordinate the cleanup of hazardous material spills with the proper State and local agencies, the Environmental Protection Agency (EPA), and appropriate law enforcement organizations.

USFS activities must comply with Occupational Safety and Health Administration and Office of Emergency Services regulations on hazardous materials. Asbestos-containing aggregate may be used as road surface materials if asbestos levels fall within the standards established by the State of California. Where existing roads and trails travel through asbestos-bearing formations or where roads are

surfaced with asbestos-bearing aggregate, potential mitigation measures, such as road or trail relocation, closure, paving and watering, shall be considered to maintain public safety.

The Proposed Statewide Waiver does not authorize discharges from the application of herbicides or pesticides, but does require that the USFS notify the affected Regional Water Board in writing at least 90 days prior to the proposed application of pesticides within a designated riparian zone. The notification must include the type of pesticide, method and area of application, projected date of application, and measures that will be employed to assure compliance with applicable water quality control plans. Subsequent changes to the proposal must be received by the affected Regional Water Board in writing forthwith, and in no event less than fourteen (14) days before the application, unless Regional Water Board staff agrees in writing to a lesser notice.

Projects covered under the Proposed Statewide Waiver must comply with existing State and Federal regulations regarding hazardous materials that currently apply. Additionally, Waiver General Condition #15 states that, "Activities authorized under this waiver shall not cause a pollution, contamination, or nuisance as defined by Water Code section 13050." Therefore, the appropriate finding is **less than significant impact with mitigation incorporation**.

c) The proposed project would not result in the emission or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, the appropriate finding is **no impact**.

d) The proposed project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the appropriate finding is **no impact**.

e-f) The proposed project would not result in a change over current conditions related to activities near an airport or airstrip that would result in a safety hazard. Therefore, the appropriate finding is **no impact**.

g) The proposed project would not interfere with an emergency evacuation or response plan; therefore, the appropriate finding is **no impact**.

h) The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?. The appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?			X	

a, c, d, e, and f) The USFS WQMH and the Proposed Statewide Waiver covers NPS activities on NFS land described below that have the potential to impact waters of the state. Most of the potential impacts are associated with erosion and sediment delivery and/or changes to riparian systems that may reduce shade and affect water temperatures. In addition, restoration activities and BMPs intended to result in long term reduction in sediment discharge have the potential to cause short term impacts due to ground and stream channel disturbance. Those activities and their potential impacts to water quality are described below:

- Timber management activities on NFS lands and the associated road network have the potential to generate sediment from equipment use and from erosion of bare ground on roads, landings, and skid trails, and to reduce shade canopy from tree removal due to logging, road construction, and equipment operations. WQMH BMPs 1.1 – 1.25 are designed to protect water quality during such activities.

- Road maintenance, construction, and decommissioning activities pose a potential to impact water quality through erosional processes, mass wasting, and canopy removal. The USFS road network is extensive, serving the multiple uses associated with public forest lands (e.g., timber harvest, recreation, mining, grazing). WQMH BMPs 2.1 – 2.13, which are all new, are designed to protect water quality during such activities.

- Grazing has the potential to create sediment impacts in riparian areas through increased sediment load, increased instream trampling and compaction, increased disturbance and erosion from overgrazed streambanks, reduced sediment trapping by riparian and instream vegetation, and decreased bank stability. Improper grazing and can lead to removal of shade by browsing livestock. In addition, nutrients and pathogens can be discharged from animal waste products. WQMH BMPs 8.1 – 8.3 are designed to protect water quality during such activities.

- Recreational activities span a wide variety, the most likely to produce water quality impacts being erosion and sedimentation associated with trails, roads, and camping sites. BMPs 4.1 – 4.10 are designed to protect water quality during such activities. A subset of WQMH BMPs, 4.7.1 – 4.7.9, which are all new, specifically address OHV recreation. These are:

    - BMP 4.7.1 - Planning
    - BMP 4.7.2 - Location and design
    - BMP 4.7.3 - Watercourse crossings
    - BMP 4.7.4 - Construction, reconstruction
    - BMP 4.7.5 – Monitoring

    - BMP 4.7.6 - Maintenance and operations
    - BMP 4.7.7 - Wet-weather operations
    - BMP 4.7.8 - Restoration of off-highway vehicle-damaged areas
    - BMP 4.7.9 - Concentrated-use area management

- Vegetation manipulation beyond timber harvesting primarily is associated with fuel management to reduce the likelihood and severity of wildfire, forest rehabilitation activities (selection cuts and thinning addressed as timber harvest), and riparian area rehabilitation to improve diversity and promote conifer species. These activities can generate sediment and alter natural shade conditions. WQMH BMPs 5.1 – 5.13 are designed to protect water quality during such activities, as are BMPs 1.8 and 1.19, which also apply.

- Restoration activities are generally associated with road decommissioning (addressed above), remediation of existing and potential sediment discharge sites, instream habitat improvements, and forest rehabilitation. BMPs address potential water quality impacts of new NPS activities, not remediation of existing problems. The WQMH and Waiver both require implementation of the USFS WIP, as well as the ACS and AMS components of the NWFP and SNFPA.

- Fire Suppression activities may generate sediment and impact riparian areas during the fire fighting process with road building, fire line construction, and back-burning. Immediate remediation of potential discharge sites is included in that process as a post-fire activity under the BAER program. Fire fighting and the BAER are conducted under specific plans and procedures in each forest's LRMPs. Projects are developed on a post-emergency basis to address erosion control, reforestation, and riparian improvements. WQMH BMPs 6.1 – 6.6 are designed to protect water quality during such activities.

Impacts associated with the activities described above will be mitigated through conditions of the Proposed Statewide Waiver requiring implementation of USFS Guidance and the USFS WQMH. The Waiver conditions are intended to ensure that activities on NFS lands result in less than significant impacts to hydrology and water quality, including to drainage patterns, excessive and/or polluted runoff, on- or off-site erosion or flooding. The Waiver explicitly excludes coverage of any activities that would result in violation of water quality standards.

The potential exists for covered NPS activities to result in some short term impacts to water quality. Such impacts are most likely to occur as a result of exposing soil during in-, or near-stream, restoration projects, road construction, reconstruction, decommissioning, or maintenance, or non-emergency restoration and rehabilitation of burned areas. Areas with soil exposed during these activities may be vulnerable to surface erosion for some period of time until vegetation is reestablished, and may discharge sediment to streams. The USFS Guidance and WQMH contain erosion control measures to be implemented in these cases and the Statewide Waiver requires submission of an Erosion Control Plan for Regional Water Board review of most Category B projects. In-stream restoration projects typically cause some alteration of the channel, which may cause a short term impact to water quality. While some short term impacts

cannot be avoided, they are considered to be outweighed by the long term benefit to watershed resources derived from restoration activities. The State Water Board considers the USFS Guidance and the requirements set forth in the USFS WQMH to be adequate to address water quality protections needed in a watershed.

The main mechanism protecting aquatic resources within the NWFP is the ACS, as is the corollary AMS within the SNFPA, both of which have designated riparian zones. Designated riparian zones comprise lands along all ephemeral, intermittent, and perennial streams and geologically unstable and potentially unstable areas where special standards and guidelines direct land use. These areas maintain hydrologic, geomorphic and ecological processes that directly affect streams and fish habitats. Widths of the zones can range from a minimum of 100 feet on each side of ephemeral and/or intermittent streams to over 300 feet on each side of perennial fish bearing streams. Only activities that protect or enhance ACS and AMS objectives are permissible within with a designated riparian zone.

Designated riparian zones serve to protect aquatic resources and water quality from timber harvesting activities, road building, and other NPS activities such as grazing, by maintaining a diverse riparian community that provides resiliency to the system, a buffer area from upslope activities, canopy for shade and aquatic nutrition, and maintaining the function of the riparian areas to filter and meter sediment coming from hillsides and down a water course.

In addition to the ACS and AMS, the USFS is required by other management direction to protect water quality. These include:

- Soil and Water Conservation Handbook, which provides direction for assessing cumulative watershed effects.
- Regional soils standards, which provide direction for protecting soil productivity, particularly as it applies to ground disturbance relative to soil compaction and erosion.
- USFS Chapter 2020 (USDA 2008), which provides a policy for using ecological restoration in the management of national forest lands.
- Provincial Wet Weather Operation Standards.

The USFS WQMH provides water quality protection measures for the activities on NFS lands covered under the Proposed Statewide Waiver as already detailed. The objectives of the WQMH are:

- To consolidate direction applicable to BMP application on NFS lands in California for the protection of beneficial uses of water from NPS pollution,
- To establish a uniform process of BMP implementation that will meet the intent of Federal and State water quality regulations,
- To incorporate water quality protection and improvement considerations that will result in clean water into the site-specific project planning process.

The Proposed Statewide Waiver itself contains additional requirements that will protect hydrology and water quality. It requires compliance with the applicable basin plan, and prohibits the creation of pollution, contamination, or nuisance, as defined by Water Code section 13050. The following Waiver conditions ensure compliance with the applicable basin plan and that activities that proceed under the Waiver must not violate water quality objectives and waste discharge prohibitions, and beneficial uses of water must be protected:

- Activities conducted under the waiver must be in compliance with the applicable basin plan and amendments thereto.

- The USFS shall not cause a pollution, contamination, or nuisance as defined by Water Code section 13050.

- USFS shall manage and maintain designated riparian zones to ensure retention of adequate vegetative cover in accordance with the NWFP, the SNFPA, and the southern California LRMPs.

- The USFS shall actively address legacy or pre-existing discharges and/or threats to water quality. Sediment delivery sites must be inventoried, prioritized, and scheduled for remediation. There is an expectation that each forest will make reasonable progress towards completing inventories and remediating legacy problem sites, especially where timely implementation is necessary for sediment and temperature TMDL compliance. The USFS shall make legacy site inventories available to Water Board staff for review and allow inspection of sites as needed to assist in prioritization.

- All activities undertaken by the USFS or its contractors or permittees pursuant to this waiver shall comply with the USFS Guidance and the USFS WQMH for water quality protection, and any specific conditions set forth in this waiver. This includes following the Wet Weather Operation Standards as developed for each forest, and minimizing erosion and riparian disturbance from roads, watercourse crossings, road decommissioning, or other activities that have the potential to discharge sediment.

- USFS shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (or the General NPDES Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit) for non-timber construction projects on NFS land that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

- Areas where soil has been disturbed by project activities, excluding grazing, within designated riparian zones must be stabilized prior to the beginning of the winter period, prior to sunset if the National Weather Service forecast is a “chance” (30% or more) of rain within the next 24 hours, or at the conclusion of operations, whichever is sooner.

- The USFS shall report to the affected Regional Water Board, within 10 days of discovery, areas within designated riparian zones that are disturbed by grazing that may result in a significant discharge, and any measures taken to prevent, minimize, or mitigate the potential to discharge.

- Where management activities and individual projects within designated riparian zones have resulted in burned areas, the USFS must prevent, minimize, and mitigate discharges to waters of the state by following the appropriate USFS BMPs and standard erosion control techniques.

- 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 applicable 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.

- Each Forest shall implement the designated riparian zone programs (and AMS or ACS) and prevent, minimize, and mitigate sediment discharges by following the appropriate BMPs and standard erosion control techniques for activities adjacent to streams and drainages, or other locations or situations where likelihood of discharge exists.

- Activities on NFS lands must minimize new road construction in watersheds designated by USFS as “Key Watersheds” and in high risk watersheds.

In addition to the conditions listed above that will ensure protection of water quality, the Proposed Statewide Waiver includes a MRP to provide a feedback mechanism to ensure that mitigation measures are implemented properly and function as intended. The following are key components of the MRP:

- All projects and activities must, as a minimum, incorporate auditing of on-the-ground prescriptions, inspections and patrols of roads and trails to prevent water-quality problems during storms, and BMPEP evaluations for randomly selected current and recent projects.
- Some randomly selected BMPEP sites will be retrospectively monitored to determine BMP effectiveness 3-5 years after implementation.
- Some BMPEP monitoring will be done at selected project sites to determine BMP effectiveness in higher-risk situations.
- Additional in-channel monitoring using either a watershed approach or, absent a watershed monitoring program, a project level approach.
- Fecal indicator bacteria will be monitored at selected high-use water recreation sites located within or immediately downstream of active grazing allotments.

The mitigations required by the Proposed Statewide Waiver conditions and accompanying MRP are considered to be adequate to avoid adverse impacts to water quality for those activities enrolled under the Waiver. Additionally, the Waiver specifically provides that the affected Regional Water Board will evaluate each project with potential to cause water quality impacts to determine whether the site-specific on-the-ground prescriptions implementing the mitigations are sufficient to address an impact prior to enrolling the project in the Waiver. The State Water Board or its Executive Director or the Regional Board or its Executive Officer may deny or terminate Waiver coverage at any time if it is determined that a project may result in impacts to water quality. If a project is denied coverage or terminated, it will be subject to separate CEQA review before being permitted under an individual Waiver or under individual waste discharge requirements. An affected Regional Water Board or its Executive Officer may also take enforcement actions in accordance with the Water Code to ensure actions are taken to prevent or correct water quality impacts and any violations of the Waiver. Therefore, the appropriate finding is **less than significant with mitigation.**

b) The Proposed Statewide Waiver does not authorize activities that could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. None of the activities covered by the Waiver have the potential to affect groundwater supplies or groundwater recharge on any but the smallest scale. The appropriate finding is **no impact less than significant impact.**

g-i) USFS activities covered under the Proposed Statewide Waiver do not authorize placing housing or structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The project does not cover any activity involving levees or dams. Because the project does not involve this element, the appropriate finding is **no impact.**

j) Seiches are rare natural events, and they only occur in enclosed or semi-enclosed basins such as lakes, bays, harbors. Many USFS public campgrounds are located along forest lakes, but few of those lakes are large or deep enough to create seiches that are hazardous except perhaps to persons in the water or immediately along its edge. Tsunamis are rare natural events, and they only occur along the coast, where there is very little NFS land. The NPS activities covered by this project will not cause or contribute tsunamis or seiches, and they do not involve substantial or concentrated populations. The appropriate finding for tsunamis and seiches is therefore less than significant impact. Mudflows are a rather fluid form of landsliding, and the mitigations are set forth in section VI.a iv) above. The finding for mudflows is therefore **less than significant with mitigation**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

a) Activities covered under the Proposed Statewide Waiver would not divide an established community. Any land use planning associated with the Waiver is not urban, but rather intended for management and utilization of NFS lands. Because the project does not involve these elements, the appropriate finding is **no impact**.

b) Activities covered under the Proposed Statewide Waiver must comply with all applicable local, state and federal regulations, which include land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance). Because of the fact that all of the activities covered under the Waiver will occur on USFS land, they will be designed and implemented according to USFS Guidance and USFS WQMH, which are Federal land use plans specifically intended for the purpose of avoiding or mitigating environmental effects. There will not, therefore, be any conflict and there is **no impact**.

c) The adoption and implementation of the Proposed Statewide Waiver will not conflict with any applicable conservation plan that may apply to activities on NFS lands. In fact, the NWFP and SNFPA, which are primary guidance documents that regulate design and implementation of activities on NFS lands covered under the Waiver, are intended for the management of habitat for late-successional and old growth forest related species. Because the USFS Guidance and the USFS WQMH are intended to protect the environment from potential impacts from NPS activities on NFS land, there is less potential for any conflict between the activities that may occur under the Waiver and any habitat or natural community conservation plans. The appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

a-b) The Proposed Statewide Waiver does not authorize mining activities or other activities that could affect mineral resources. Therefore, activities on NFS lands covered under the Waiver will not result in loss of availability of mineral resources; therefore, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

a-f) Implementation of some activities on NFS lands may result in localized increased noise levels. Such increased noise levels would likely be from heavy equipment operation associated with construction or restoration activities. These impacts would be temporary and would, therefore, not be considered to be a significant impact. Motorized recreational activities, particularly in areas of concentrated use, can cause persistent high levels of noise. Existing OHV uses are part of the environmental baseline. Any new OHV developments that need permitting under the Construction Stormwater Permit and/or section 401 Water Quality Certification would not eligible for coverage under the Waiver for the construction activity. The appropriate finding is **less than significant impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING -- Would the project:				
Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

a-c) The proposed project does not involve construction of new homes, businesses, or infrastructure. Any new road construction would not be for the purpose of urban or residential development, but would be intended to facilitate USFS activities such as timber harvest and other vegetation management, watershed management and restoration, recreation, mining, fire suppression and fuels management, and range management. The project would also not displace people or existing housing. Because the proposed project does not involve these elements, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

a) The proposed project does not involve new or physically altered government facilities. Because the proposed project does not involve these elements, the appropriate finding is **no impact.**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?		X		

a) USFS activities covered under the Proposed Statewide Waiver would not be conducted in the vicinity of, and therefore would not affect, neighborhood or regional parks. However, recreation is one of the primary functions of the NFS

lands, and activities covered under the Waiver may include projects to maintain and develop facilities such as dispersed campgrounds, trails for motorized or non-motorized vehicles, and similar low impact recreational activities. Projects covered under the Waiver would not increase the use of such facilities, but would be designed to facilitate recreation and thus serve to prevent deterioration through maintenance. Road and trail decommissioning and closure has the potential to concentrate existing non-motorized and motorized recreational activity on fewer trails. However, such a shift in activity is expected to be minimal as the USFS uses the travel management planning process to account for the social, economic, and land-management needs of the area before decommissioning any unneeded roads. Further, the degree of impact is speculative, being based on the choices made by both by the OHV user community and USFS. The appropriate finding is, therefore, **less than significant impact**.

b) Recreation on NFS lands occurs in developed sites, as well as dispersed areas such as trails, on rivers or lakes, and in wilderness and general forest areas. A standard of the NWFP is to manage recreation areas to minimize disturbance to species.

The Waiver covers dispersed camping, developed recreation sites, non-motorized and motorized vehicle trails, fence building, and similar activities. Water quality impacts most likely to be produced from recreational activities are erosion and sedimentation associated with trails, roads, and camping sites. The operation of recreational facilities, including any expanded or new facilities, may have impacts on hydrology/water quality in particular, which are discussed under that section as mitigated to less than significance. In particular, the USFS WQMH provides the following suite of recreation-related BMPs to protect water quality:

- BMP 4.1 - Sampling, Surveillance, and Sanitary Surveys of Primary Contact Recreation Waters
- BMP 4.2 - Providing Safe Drinking Water Supplies
- BMP 4.3 - Documenting Water Quality Data
- BMP 4.4 - Control of Sanitation Facilities
- BMP 4.5 - Control of Solid Waste Disposal
- BMP 4.6 - Assuring that Organizational Camps Have Proper Sanitation and Water Supply Facilities
- BMP 4.7 - Best Management Practices for Off-Highway Vehicle Facilities and Use
- BMP 4.8 - Sanitation at Hydrants and Water Faucets within Developed Recreation Sites
- BMP 4.9 - Protecting Water Quality within Developed and Dispersed Recreation Areas
- BMP 4.10 - Location of Pack and Riding Stock Facilities and Use Areas in Wilderness, Primitive, and Wilderness Study Areas.

BMP 4.7 contains the following nine BMPs to control water quality impacts from OHV recreation:

- BMP 4.7.1 - Planning
- BMP 4.7.2 - Location and design
- BMP 4.7.3 - Watercourse crossings
- BMP 4.7.4 - Construction, reconstruction
- BMP 4.7.5 – Monitoring
- BMP 4.7.6 - Maintenance and operations
- BMP 4.7.7 - Wet-weather operations
- BMP 4.7.8 - Restoration of off-highway vehicle-damaged areas
- BMP 4.7.9 - Concentrated-use area management

Projects covered under the Proposed Statewide Waiver may include minor construction or expansion of recreational facilities. Larger construction or expansion projects, such as the development of a new campground or OHV park, generally require coverage under the Construction Stormwater Permits and/or a 401 Water Quality Certification and are therefore specifically excluded from coverage under the Waiver for the construction activity itself. Impacts from minor construction or expansion of recreational facilities that may be covered under the Waiver will be mitigated by implementation of USFS Guidance and the USFS WQMH (See WQMH BMPs 2.3 and 4.7.4).

The appropriate finding is **less than significant with mitigation**.

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
XVI. TRANSPORTATION/TRAFFIC – Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

a-b) USFS activities covered under the Proposed Statewide Waiver would entail ongoing vehicle traffic on USFS roads as well as other public roads accessing NFS lands. USFS activities, such as road construction, reconstruction, decommissioning, or maintenance, have the potential to cause some short term increase or disruption of traffic patterns. Proposed changes to the forest transportation system pursuant to the TMR will be subject to NEPA and other environmental laws. FSM 7700, "Travel Management," requires that the USFS review existing travel or roads analysis and conduct any necessary travel analysis before conducting environmental analysis of a proposal to change current travel management direction and must avoid duplication by incorporating relevant information from travel analysis into site-specific environmental analysis, documentation, and decision-making. Travel analysis provides a bridge between the strategic guidance in LRMPs and travel management decisions made at the project level. Travel management decisions are made at the project level and must be consistent with the applicable LRMP.

Direction for transportation planning is found in FSH 7709.55, Transportation Analysis and FSM 7710, Transportation Planning Handbook. Transportation analysis 1) identifies and evaluates alternative transportation systems and routes, 2) identifies short- and long-term need and purpose for each road, and 3) documents decisions relating to road location, design, operation, and maintenance standards for each road in a road management objective.

USFS activities coordinate road management objectives with private landowners within each forest. Road closures may be used to meet wildlife needs, water quality and soils protection objectives, fire protection, other resource needs, to reduce road damage and maintenance costs and to reduce or eliminate conflicts between user groups. Because traffic levels related to USFS activities will be addressed through pre-existing standard USFS transportation planning, the appropriate finding is **less than significant**.

c) The proposed project does not involve air traffic. Because the proposed project does not involve this element, the appropriate finding is **no impact.**

d) The proposed project does not involve installation of hazardous design features. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

e-f) The proposed project does not affect emergency access or parking capacity; therefore, the appropriate finding is **no impact**.

g) The proposed project does not involve alternative transportation. Because the proposed project does not involve this element, the appropriate finding is **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

a-c) The proposed project does not involve the expansion or construction of wastewater or storm water treatment facilities. Such projects would not be eligible for coverage under the Proposed Statewide Waiver, and would have to

be regulated by either a WDR or NPDES permit. Because the proposed project does not involve expansion or construction of wastewater or storm water treatment facilities, the appropriate finding is **no impact**.

d) The proposed project does not authorize the development of new water supplies or change the need for existing water supplies. Water supplies may be used to serve vegetation removal or construction activities (e.g., for dust abatement) in the project area. Such use will be short term in duration and relatively minor in scope. Water supplies would come from existing developed sources with existing water rights on NFS lands. If short-term water drafting from streams in the vicinity of the project area is required for a project, the USFS would be required to comply with all applicable current regulations. Because no change is foreseeable, the appropriate finding is **less than significant impact.**

e) USFS activities covered under the Proposed Statewide Waiver would not require service by wastewater treatment facilities. Because the proposed project does not involve this element, the appropriate finding is **no impact.**

f) The proposed project would not affect solid waste generation or landfill capacities over current conditions. Because no change is foreseeable, the appropriate finding is **no impact**.

g) The proposed project will not involve solid waste and is not subject to federal, state, and local statutes and regulations related to solid waste, therefore the appropriate finding is **no impact**.

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

a) Some activities on NFS lands that would be covered under the Proposed Statewide Waiver have the potential to result in some short-term impacts on the environment. However, activities covered under the Waiver are planned and implemented in accordance with USFS Guidance and the USFS WQMH with the long term goal of reducing impacts to the environment and restoring forest ecosystems. The mitigation measures imposed by the USFS guidance and WQMH relevant to this finding have been extensively discussed under checklist items IV (Biological Resources), XI (Geology and Soil), and IX (Hydrology and Water). Short-term impacts may result from inadvertent sediment discharges caused by natural adjustments following treatment of existing controllable sediment discharge sources. Such treatment frequently involves significant ground disturbance and reconstruction of roads and other USFS infrastructure within riparian zones. Erosion control measures for ground disturbance are implemented per the USFS WQMH. Reconstruction or removal of legacy or pre-existing discharge sites with the potential to fail and discharge sediment will offset the potential impact of small short term sediment discharges that may result from reconstruction.

The Proposed Statewide Waiver includes two Categories of projects – those in Category A, which are considered “low risk” activities and those in Category B, which are considered “moderate risk” activities. General and specific conditions are identified for the approved activities. For Category A activities, no additional application or special conditions are required. For Category B activities there is a comprehensive application process to identify potential impacts of activities and ensure that these are adequately mitigated, in addition to generally requiring application of the appropriate USFS Guidance and the USFS WQMH. The USFS WQMH and the USFS Guidance provide a suite of measures that would provide sufficient protection to the environment if implemented. Site-specific, on-the-ground prescriptions are reviewed by the Regional Water Boards to ensure that activities and projects receiving coverage are only those activities and projects for which impacts to the environment can be reduced to less than significant with the application of the USFS Guidance and the USFS WQMH.

The Statewide Waiver requires all activities conducted under the Waiver to comply with all other applicable local, state, and federal regulations and/or permits, including all requirements of the California Endangered Species Act and the Federal Endangered Species Act.

As discussed in the findings in checklist section V (Cultural Resources), the project will have less than significant impact on historic resources.

With implementation of the foregoing measures, the Waiver does not have the potential to degrade the quality of the environment, reduce the habitat of fish or wildlife species or cause their population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict

the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history. The appropriate finding is **less than significant with mitigation.**

b) The impacts associated with the activities permitted under the Proposed Statewide Waiver will not be individually limited, but cumulatively considerable. The project covers NPS activities on all NFS lands in the State (about 20% of the State's geographic area). It affects not only new NPS activities, but the effects of past activities and catastrophic events.

The Proposed Statewide Waiver is the upper tier of a larger structure of environmental protection. The base of the structure is NEPA. Like CEQA, the basic goal of NEPA is to avoid necessary adverse impacts to environmental quality. The goals of NEPA address a very broad spectrum of environmental resources and include the following:

- Promoting efforts which will prevent or eliminate damage to the environment;
- Identifying and estimating the magnitude and significance of environmental impacts of alternative actions; and
- Mitigating unavoidable impacts.

The next tier is the USFS Guidance. In particular, the goals of the WIP and of the NWFP and SNFPA are, not just to avoid making things worse, but to pro-actively protect and improve environmental quality and the forest ecosystem across a broad range of resources. This includes inventory, assessment, prioritization, and remediation of watershed damage caused by past activities and catastrophic events. The Proposed Statewide Waiver requires each National Forest to actively address legacy or pre-existing discharges and/or threats to water quality by, in collaboration with the affected Regional Water Board, inventorying, prioritizing, and scheduling such sites for remediation, and then implementing the scheduled remediation projects.

The USFS WQMH is the third tier, incorporating and building upon the provisions of the USFS Guidance for environmental improvement, most particularly for water quality. The WQMH substantially strengthens USFS commitments to remediating existing problems from past activities. With regard to potential impacts of new NPS activities, it substantially strengthens:

- The USFS objectives and BMPs to be used to maintain, protect and restore the quality and beneficial uses of water;
- The USFS administrative processes for implementing them;
- The USFS monitoring program addressing water quality, and
- The USFS adaptive management process.

The Proposed Statewide Waiver requires that USFS reasonably implement all of the foregoing, as well as additional conditions set out in the Waiver. The Waiver's conditions further augment mitigation measures for water quality protection and restoration, improve implementation, enhance accountability, and better verify effectiveness.

The Proposed Statewide Waiver requires that where a proposed NPS activity includes direct or indirect effects to water quality, the USFS must conduct a cumulative watershed effects (CWE) analysis and include specific measures in the proposed individual project needed to reduce the potential for CWEs in order to assure compliance with the applicable basin plan. The scale and intensity of cumulative watershed effects (CWE) analyses will be commensurate with the scale and intensity of the Projects seeking coverage under the Waiver. Cumulative watershed effects 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.

While many of the mitigations included in USFS Guidance and the WQMH and required as conditions of the Waiver are designed to reduce impacts from ongoing activities to less than significant, these documents also require both remediation of legacy problem or pre-existing discharge sites and watershed restoration. Many legacy sites were constructed using outdated methods that did not consider long term stability or the potential for impacts to streams. Many such sites are roads segments constructed directly in, or adjacent to streams; others are OHV trails that may have originated from skid trails or unauthorized use. Reconstruction or removal of these legacy or pre-existing discharge sites with the potential to fail and discharge sediment is a well-established method to reduce long term watershed impacts. It is widely recognized that the long term benefits to watershed resources of removing sediment sources outweighs the potential for small short term sediment discharges that may result from reconstruction. In addition, watershed restoration activities, such as inventory, project prioritization, and remediation, are likely to result in net improvements to water quality on forest lands in which they are applied.

At a programmatic level, the environmental impacts of NPS activities on NFS lands are expected to decrease as a result of the Board action, even if the action will permit new NPS activities to go forward with less than significant impacts at a localized project level. Activities on NFS lands conducted in compliance with the Proposed Statewide Waiver will not adversely individually or cumulatively affect the quality or the beneficial uses of the waters of the State. The incremental effects of an individual project will not be significant, even when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, when the individual project is mitigated in accordance with the extensive programmatic mitigation measures proposed in the Initial Study.

The Proposed Statewide Waiver incorporates all of the mitigations set forth in this Initial Study and the Mitigated Negative Declaration. Thus, whatever contribution the project might make to cumulative effects will be rendered less than cumulatively considerable, and thus is not significant, through its required mitigation measures. The environmental protection afforded by the adoption of the Waiver, including the implementation of the USFS Guidance and the USFS WQMH, will provide sufficient controls on any potential impacts. Therefore, the appropriate finding is **less than significant with mitigation.**

c) The NPS activities on NFS land that can be enrolled under the Proposed Statewide Waiver will not have effects that will cause substantial adverse effects on human beings, directly or indirectly. USFS activities covered under the Waiver will take place exclusively on NFS lands, which are typically removed from large population centers. USFS personnel and small numbers of private individuals live, work and recreate in areas affected by activities on NFS lands. Many of the people and communities in proximity to affected areas are likely to be involved in activities on NFS lands and therefore derive an economic, aesthetic, and recreational benefit from them, either directly or indirectly. Covered activities are ongoing and will not be substantially changed by approval and implementation of the Waiver. Implementation of these activities has previously included the implementation of the USFS Guidance and the USFS WQMH. Because the activities under the Waiver are ongoing, they are typically important components of local economies. The additional layer of environmental protection provided by the Waiver is expected to ensure that adverse impacts to the water resources of local communities from activities on NFS lands do not occur.

The State Water Board determines that the project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Therefore, the appropriate finding is **less than significant.**

REFERENCES

GENERAL REFERENCES

California Air Resources Board, 2008, Climate Change Scoping Plan

USDA, Forest Service, 1974. National Forest Landscape Management, Volume 2, Agriculture Handbook Number 462. Washington D.C., pgs: 32-37.

USDA, Forest Service, Region 5, 1990. Soil and Water Conservation Handbook, FSH 2509.22.

USDA, Forest Service, Region 5, 1994, Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl, Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (aka Northwest Forest Plan).

USDA, Forest Service, Region 5, 2000. Water Quality Management for Forest System Lands in California, Best Management Practices, Pacific Southwest Region (aka Water Quality Management Plan).

USDA, Forest Service, Region 5, 2001. Investigating Water Quality in the Pacific Southwest Region, Best Management Practices Evaluation Program: A User's Guide.

USDA, Forest Service, Region 5, 2004. Sierra Nevada Forest Plan Amendments, SNFPA Final Supplemental Environmental Impact Statement, Record of Decision.

USDA, Forest Service, 2008. Strategic Framework for Responding to Climate Change.

USDA, Forest Service, 2010. Forest Service Watershed Condition Classification Technical Guide.

USDS, Forest Service, Region 5, *in draft*. Regional soils standards handbook. Provincial Wet Weather Operation Standards

SELECTED USFS DIRECTIVES[9]

SERIES 2000 - NATIONAL FOREST RESOURCE MANAGEMENT

Zero Code

Service-Wide Forest Service Manual (FSM) Issuances

Chapter 2020, Ecological Restoration and Resilience (2010)
Chapter 2030, Large Scale Event Recovery (2009)

[9] These references are among the most relevant for the NPS activities covered by the Waiver. They can all be found at the following website: http://www.fs.fed.us/im/directives/

Chapter 2070, Vegetation Ecology (2008)

2100 - Environmental Management

Service-Wide FSM Issuances

Chapter 2150, Pesticide-Use Management and Coordination (1994)
Chapter 2160, Hazardous Materials Management (1994)

Service-Wide Forest Service Handbook (FSH) Issuances

FSH 2109.14 - Pesticide-Use Management and Coordination (1994)

2200 - Range Management

Service-Wide FSM Issuances

Chapter 2210, Range Management Planning (reserved)
Chapter 2230, Grazing and Livestock Use Permit System (2005)[10]
Chapter 2240, Range Improvements (2005)

Service-Wide FSH Issuances

FSH 2209.11 - Range Project Effectiveness Analysis Handbook
FSH 2209.13 - Grazing Permit Administration Handbook
FSH 2209.14 - Service-Wide Range Analysis and Management Handbook

2300 - Recreation, Wilderness and Related Resource Management

Service-Wide FSM Issuances

Chapter 2320, Wilderness Management (2007)
Chapter 2330, Publicly Managed Recreation Opportunities (2006)
Chapter 2340, Privately Provided Recreation Opportunities (2006)
Chapter 2350, Trail, River, and Similar Recreation Opportunities (2009)

Service-Wide FSH Issuances

FSH 2309.18 - Trails Management Handbook

2400 - Timber Management

Service-Wide FSM Issuances

Chapter 2410, Timber Resource Management Planning (2003)
Chapter 2420, Commercial Timber Sales (2008)
Chapter 2450, Timber Sale Contract Administration (2004)
Chapter 2460, Uses of Timber Other Than Commercial Timber Sales (2002)

Service-Wide FSH Issuances

FSH 2409.15 - Timber Sale Administration Handbook[7]

2500 - Watershed and Air Management

Service-Wide FSM Issuances

Chapter 2510, Watershed Planning (1990)
Chapter 2520, Watershed Protection and Management (2004)
Chapter 2550, Soil Management (2010)
Chapter 2580, Air Resource Management (1990)[7]

Service-Wide FSH Issuances

FSH 2509.13 - Burned-Area Emergency Rehabilitation Handbook
FSH 2509.16 - Water Resource Inventory Handbook
FSH 2509.18 - Soil Management Handbook
FSH 2509.25 - Watershed Conservation Practices Handbook

[10] USFS Region 5 has supplemental directives for these handbooks, which can be found at: http://www.fs.fed.us/im/directives/dughtml/field_fsh.html

2600 - Wildlife, Fish, and Sensitive Plant Habitat Management

Service-Wide FSM Issuances

Chapter 2610 - Cooperative Relations (1990)
Chapter 2620 - Habitat Planning and Evaluation (1991)
Chapter 2670 - Threatened, Endangered, and Sensitive Plants and Animals (2009)

Service-Wide FSH Issuances

FSH 2609.13 - Wildlife and Fisheries Program Management Handbook

SERIES 5000, PROTECTION AND DEVELOPMENT

5100 - Fire Management

Service-Wide FSM Issuances

Chapter 5120 – Preparedness (2005)
Chapter 5130 – Wildland Fire Suppression (2004)
Chapter 5140 – Fire Use (2008)
Chapter 5150 – Fuel Management (1991)

SERIES 7000, ENGINEERING OPERATIONS

7700 - Travel Management

Service-Wide FSM Issuances

Chapter 7710 - Travel Planning (2009)
Chapter 7720 - Development (2005)
Chapter 7730 – Road Operation and Maintenance (2008)

Service-Wide FSH Issuances

FSH 7709.55 - Transportation Planning Handbook (2009)
FSH 7709.56 - Road Preconstruction Handbook (1987)
FSH 7709.56b - Transportation Structures Handbook (1994)
FSH 7709.57 - Road Construction Handbook (1992)
FSH 7709.59 - Transportation System Operations and Maintenance Handbook (2009)

LIST OF ABBREVIATIONS AND ACRONYMS

ACS – Aquatic Conservation Strategy
AMS – Aquatic Management Strategy
BAER – Burned area emergency rehabilitation
BMP – Best management practice
BMPEP – BMP Evaluation Program
CEQA – California Environmental Quality Act
CFR – Code of Federal Regulations
CWA – Federal Clean Water Act
CZARA – Coastal Zone Act Reauthorization Amendments
Forest – A national forest
FSH – Forest Service handbook
FSM – Forest Service manual
LRMP – Land and resource management plan
MAA – Management agency agreement
NEPA – National Environmental Policy Act
NFS – National Forest System
NPDES – National Pollutant Discharge Elimination System
NPS – Nonpoint source
NPS Policy – Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program
NPS Program Plan – Plan for California's Nonpoint Source Pollution Control Program
NWFP – Northwest Forest Plan
OHV – Off-highway vehicle
Regional Water Board – Regional water quality control board
ROWD – Report of waste discharge
SNFPA – Sierra Nevada Forest Plan Amendments
State – State of California
State Water Board – State Water Resources Control Board
State Antidegradation Policy - Statement of Policy with Respect to Maintaining High Quality Waters in California
TMDL – Total maximum daily load
TMR – Travel Management Rule
USEPA – U.S. Environmental Protection Agency
USFS – U.S. Department of Agriculture, Forest Service
Water Boards – State and Regional Water Boards together
WDR – Waste discharge requirement
WIP – Watershed Improvement Program
WQMH – Water quality management handbook
WQMP – Water quality management plan