

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Wednesday, August 12, 2015
Regional Water Board Office
Santa Rosa, California

- ITEM: 3
- SUBJECT: Workshop on Draft Order No. R1-2015-0021, *Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region* (draft 2015 USFS Waiver) (Dean Prat, Tom Williams & Forest Fortescue)
- BOARD ACTION: This is an informational workshop only. No action will be taken by the North Coast Regional Water Quality Control Board (Regional Water Board).
- BACKGROUND: On June 10, 2010, the Regional Water Board adopted Order No. R1-2010-0029, *Waiver of Waste Discharge Requirements For Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region* (2010 USFS Waiver). A Monitoring and Reporting Program (MRP) for the 2010 USFS Waiver was adopted on June 10, 2010 and revised on March 21, 2012.
- The 2010 USFS Waiver was scheduled to expire on June 10, 2015. On May 7, 2015, the Regional Water Board adopted Order No. R1-2015-0020 to provide short-term renewal of the 2010 USFS Waiver and allow Regional Water Board staff additional time to circulate a draft waiver for public review and comment, and conduct a workshop.
- DISCUSSION: The North Coast Region encompasses 12,434,700 acres (19,429 square miles). The United States Forest Service (USFS or National Forest) administers and manages approximately 5,099,078 acres (7,967 square miles) of National Forest System (NFS) lands within two USFS Regions and six National Forests, accounting for approximately 41 percent of the North Coast Region. USFS management of those lands for multiple uses includes grazing, forestry, recreation, fire suppression, vegetation management, and restoration. Activities associated with these uses may generate sediment discharges, affect shade canopy and water temperature, or influence other water quality parameters of waters of the state.

USFS land management activities are governed by a planning framework that contains overarching policies and guidance as well as standards and specific guidelines. The planning framework sets a process for determining and implementing measures not only to mitigate potential water quality impacts, but also to enhance and protect water quality.

Elements of that planning framework range from the watershed protection goals of the Northwest Forest Plan (NWFP), to Best Management Practices (BMPs) for USFS project activities, including measures to prevent, minimize, and mitigate waste discharges.

For instance, the NWFP provides overall guidance on a multiple-forest scale. Each National Forest develops Land and Resource Management Plans (LRMPs). Individual National Forests use the national Watershed Condition Framework (WCF) to guide watershed assessment and restoration activities on a watershed level and develop Watershed Restoration Plans. The assessments and priorities contained in a Watershed Restoration Plan guide USFS site-specific activities within each watershed.

Therefore, the approach for addressing potential water quality impacts from USFS activities and projects in the broader multiple-region guidance, is consistent with the guidance established for each individual National Forest, watershed, and each specific site, with projects at the site-scale being responsive to watershed needs and consistent with the overarching policies and guidance, such as the NWFP.

Implementation of the USFS's planning framework, coupled with the draft 2015 USFS Waiver, are designed to meet the water quality protection needs of the Regional Water Board and offers an opportunity for comprehensive coverage that provides better and more efficient protection of the beneficial uses of water by addressing temperature and sediment sources systematically across the landscape.

The USFS also developed a Water Quality Management Plan (WQMP) under Clean Water Act section 208 and entered into a Management Agency Agreement with the State Water Resources Control Board in 1981. The WQMP contains a framework for water quality protection and a manual of BMPs. National BMPs are also now under development.

Individual projects and activities on USFS land undergo analysis to determine appropriate site-specific management practices necessary to avoid water quality impacts. Actual on-the-ground

prescriptions to implement BMPs are included in project-specific contracts, agreements, and plans.

Regional Water Board staff has prepared draft Order No. R1-2015-0021, *Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region* as a replacement for the 2010 USFS Waiver. We have worked with USFS staff, beginning in November 2014, in developing the draft 2015 USFS Waiver, which uses the USFS planning framework, guidance, and WQMP and BMPs as the basis for water quality protection and restoration on USFS lands in the North Coast Region.

The 2010 USFS Waiver generally functioned well in providing a framework for protecting water quality and permitting nonpoint source activities on USFS lands over the past five years. However, lessons learned by both Regional Water Board and USFS staff from the first five years of implementation help inform refinements for this next iteration of the permit.

The draft 2015 USFS Waiver maintains the following elements from the 2010 USFS Waiver:

1. The Waiver covers discharges from the following nonpoint source activities: timber harvesting, roads, grazing, recreation, vegetation management, restoration, and fire suppression.
2. The Waiver applies to two categories of activities, Category A and Category B. Category A applies to activities that have a low potential impact to water quality and Category B applies to activities that have a moderate potential impact to water quality.
3. Conditions that improve the documentation of environmental assessment and the selection and implementation of on-the-ground prescriptions to protect and restore water quality;
4. Conditions to place on-the-ground prescriptions into project contracts, agreements, and plans and notify individual contractors of their responsibility to comply with the Waiver conditions;
5. Restoration that requires projects in watersheds without a watershed restoration plan to address legacy sediment delivery sites within the project area;
6. Retrospective BMP monitoring of selected BMPs five years after implementation; and
7. Conditions for total maximum daily load (TMDL) implementation and compliance for both sediment and temperature TMDLs, including riparian shade conditions.

Revisions in this draft 2015 USFS Waiver and MRP include:

1. Citing new USFS programs that address restoration and water quality protection;
2. New National BMPs and monitoring protocols;

3. Alternatives for addressing the treatment of legacy sediment sites in certain Category B projects;
4. Establishment of forest-wide in channel monitoring networks;
5. Additional livestock grazing monitoring, road project effectiveness and post-fire monitoring; and
6. Requirements for tracking and reporting treatment of sediment discharge sites.

The Regional Water Board Workshop provides the Regional Water Board, public, and interested parties the opportunity to comment on and discuss the draft 2015 USFS Waiver. The draft 2015 USFS Waiver was noticed and made available for public review and 30-day comment period on July 31, 2015.

At the Workshop, Regional Water Board staff will provide an overview of the draft 2015 USFS Waiver and the associated MRP, and highlight the new requirements. USFS staff will also present information on the history of TMDL compliance activities and 2010 USFS Waiver implementation on NFS lands in the North Coast Region.

**SUPPORTING
DOCUMENTS:**

1. Draft Order No. R1-2015-0021, Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region (draft 2015 USFS Waiver)
2. Order No. R1-2010-0029, Waiver of Waste Discharge Requirements For Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region (2010 USFS Waiver)
3. Order No. R1-2015-0020, Short Term Renewal of Order No. R1-2010-0029, Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region
4. Notice of Public Workshop
5. Notice of Documents for Public Review and Comment and Notice of Public Hearing