
Lahontan Regional Water Quality Control Board

TO: Lahontan Water Board Members

Harold
FROM: Harold J. Singer
Executive Officer

DATE: April 4, 2012

SUBJECT: SUPPLEMENTAL MATERIAL - APRIL 2012 WATER BOARD MEETING

Attached is supplemental material for:

Item No. 4: USFS Lake Tahoe Basin Management Unit – South Shore Fuel Reduction and Healthy Forest Restoration Project

- Comments received on the Proposed waste discharge requirements
- Errata sheets for Proposed waste discharge requirements

Please call me at (530) 542-5412 if you have questions on an agenda item or any other issue or if you would like a briefing on any agenda item.

Attachment: Supplemental Material

Tahoe Basin Fire Chiefs

March 30, 2012

Mr. Don Jardine, Chair
Members of the Board of Directors
Mr. Harold Singer, Executive Officer
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

**Re: Proposed Waste Discharge Requirement (WDR) and permit approvals
USFS/LTBMU South Shore Fuels Reduction and Healthy Forest Project**

Dear Chairman Jardine, Board Members, and Executive Officer Singer:

As core members of the Tahoe Fire and Fuels Team (TFFT), the Tahoe Basin Fire Chiefs (Basin Chiefs) are writing to reinforce our support for the U.S. Forest Service Lake Tahoe Basin Management Unit (LTBMU) *South Shore Fuels Reduction and Healthy Forest Restoration Project*. We understand and appreciate that members of your staff have engaged in extensive and detailed discussions with LTBMU staff in developing Lahontan's proposed Waste Discharge Requirements (WDR).

We have had our fuels management professionals review the proposed WDR and conditions of project approval prepared by Lahontan staff. Our professionals understand the difficulty in utilizing the **Final Environmental Impact Statement** (August 2011) to develop waste discharge requirements while acting as lead agency under the California Environmental Quality Act (CEQA). However, we remain concerned that the final requirements will increase project costs, cause further implementation delays, and significantly reduce the number of acres that can be treated with the funds available.

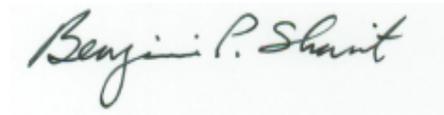
We respectfully urge your Board and staff to more fully embrace the important work and specific recommendations of ***The Emergency California-Nevada Tahoe Basin Fire Commission Report*** (May 2008) - particularly those in Category 1: Environmental Protection; Category 2: Issuances of Governance; and Category 4, Forest and Fuels Management. The Commission conducted numerous public meetings, listened carefully, and reviewed more than 200 recommendations submitted for their consideration. Members and their support staff worked diligently for eight months to develop their findings and recommendations.

Finding 12 of the Fire Commission Report reads:

" ... projects in California are subject to an additional layer of permitting requirements by the Lahontan Regional Water Quality Control Board (LRWQCB). This added layer has resulted in project delay, increased costs for permitting and project implementation, deletion of critical components of projects, and reduced project scope due to its imposed increased costs. There is a need to create a greater consistency in permitting requirements in the Tahoe Basin so that priority projects for fuel reduction in areas subject to fire hazards will be undertaken according to relative need rather than ease of permitting."

This year marks the 5th anniversary of the devastating Angora Fire and the Washoe Fire near Tahoe City. Given the relative lack of snowfall and precipitation of the winter just past, the Basin Chiefs, Forest Service, CAL FIRE, Nevada Division of Forestry and other fire professionals of the Tahoe Fire and Fuels Team anticipate a particularly dangerous fire season ahead. Consistent with the findings and recommendations of ***The Emergency California-Nevada Tahoe Basin Fire Commission Report***, we urge the Lahontan Regional Water Quality Control Board to more fully integrate your role with fire and public safety professionals to ensure the timely and cost-effective implementation of vital fuels reduction projects in the Lake Tahoe Basin. A watershed destroyed by fire will not protect water quality.

Respectfully submitted,



Benjamin P. Sharit
Chief, Tahoe Douglas Fire Protection District
Chair, Multi-Agency Coordination Group (Fire MAC)
Tahoe Fire and Fuels Team and on behalf of the Tahoe Basin Fire Chiefs

cc: Honorable Members, Tahoe Basin Fire Commission
Members, Fire MAC and Tahoe Fire and Fuels Team; Tahoe Basin Fire Chiefs
Ken Pimlott, Director, CAL FIRE, RPF #2550
Bill Holmes, Northern Region Chief, CAL FIRE
Kelly Keenan, Unit Chief, Amador-El Dorado-Sacramento-Alpine Unit, CAL FIRE,
RPF #2356
Brad Harris, Unit Chief, Nevada-Yuba-Placer Unit, CAL FIRE
Mary Huggins, Division Chief, Tahoe Basin/Alpine County, Amador-El Dorado-
Sacramento-Alpine Unit, CAL FIRE, RPF #2507
Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of
Conservation and Natural Resources
Nancy Gibson, Forest Supervisor, USDA Forest Service, Lake Tahoe Basin Management
Unit (LTBMU), Forest Service Region 5
Kathy Murphy, Staff Office, Vegetation Urban Lots Fire and Fuels, USFS LTBMU
Mike Vollmer, Forest Management Program Coordinator, Tahoe Regional Planning Agency

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Amador-El Dorado-Sacramento-Alpine Unit
2840 Mt. Danaher Road
Camino, CA 95709
Website: www.fire.ca.gov



March 30, 2012

TO: Lahontan Regional Water Quality Control Board
Attn: Harold Singer, Executive Officer
2501 Lake Tahoe Boulevard
South Lake Tahoe, California 96150

RE: COMMENTS TO PROPOSED WASTE DISCHARGE REQUIREMENTS
United States Forest Service Lake Tahoe Basin Management Unit
South Shore Fuel Reduction and Healthy Forest Restoration Project

Dear Mr. Singer:

On behalf of the Amador-El Dorado-Sacramento Unit (AEU) and the Nevada-Yuba Placer Unit (NEU), CAL FIRE thanks you for the opportunity to comment regarding the Lahontan Regional Water Quality Control Board's (LRWQCB) proposed Waste Discharge Permit Requirements for the United State Forest Service Lake Tahoe Basin Management Unit South Shore Fuel Reduction and Healthy Forest Restoration Project.

CAL FIRE appreciates the collaborative and permit streamlining efforts sought by LRWQCB staff regarding recent fuel reduction projects in the Lake Tahoe Basin. We recognize the level of staff time and costs associated with these efforts. We recall the extreme level of regulatory requirements, barriers, and lengthy timeframes to obtain approvals from the LRWQCB for fuel reduction projects in the Lake Tahoe Basin prior to the June 24, 2007 Angora Fire which destroyed 254 homes. These regulatory requirements, barriers, and approval delays imposed by the staff of the LRWQCB led to and were identified as contributing factors to the severity of the Angora Fire in the *Emergency California-Nevada Tahoe Basin Fire Commission Report* (FCR) released in May 2008. Specifically, FCR Finding 12 supports this conclusion, which specifically mentions barriers and over-regulation by the LRWQCB regarding fuel reduction efforts in the Basin. The supporting reasons and specific findings by the Fire Commission of FCR Finding 12 are included in the *Background and Supporting Evidence* section on page 159 of the *Emergency California Nevada-Tahoe Basin Commission Report*. These reasons and specific findings are based upon recorded testimony during the commission hearings to which CAL FIRE personnel contributed and witnessed.

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

CAL FIRE continues to support and implement the *Emergency California-Nevada Tahoe Basin Fire Commission Report*. Doing so allows us to further meet the CAL FIRE Mission, which is to serve and safeguard the people and protect the property and resources of California. Supporting and implementing the *Emergency California-Nevada Tahoe Basin Fire Commission Report* also allows CAL FIRE to support and implement the *2010 Strategic Fire Plan for California*, the AEU Fire Plan, and the NEU Fire Plan, the latter two of which address the Tahoe Basin specifically. To further assist us in these endeavors, we request the LRWQCB support and implement all forty-eight Findings and ninety Recommendations of the *Emergency California-Nevada Tahoe Basin Fire Commission Report*. We request the support both indirectly as a supporting Basin agency and directly regarding those that pertain specifically to the LRWQCB, especially Recommendation 17 *Simplifying Regulations*, for this proposed and all future fuel reduction projects. CAL FIRE requests the LRWQCB assist us in safeguarding the people and resources of the Lake Tahoe Basin by joining us in continuing to support and implement to their fullest the *Emergency California-Nevada Tahoe Basin Fire Commission Report*.

If you have any questions, please contact me at (530) 644-2345. We look forward to continuing to work with LRWQCB staff to protect the lives, property, and natural resources of the Lake Tahoe Basin.

Sincerely,

Mary Huggins, Registered Professional Forester #2507
CAL FIRE Tahoe/Alpine Division Chief
Amador-El Dorado-Sacramento-Alpine Unit

FOR

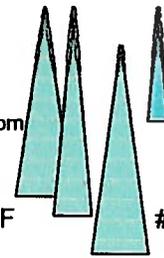
Kelly Keenan, CAL FIRE Unit Chief
Amador-El Dorado-Sacramento-Alpine Unit

Cc (electronic): Ken Pimlott, CAL FIRE Director
Bill Holmes, CAL FIRE Northern Region Chief
Bill Snyder, CAL FIRE Deputy Director Resource Management
Duane Shintaku, CAL FIRE Assistant Deputy Director
Clay Brandow, CAL FIRE Watershed Specialist
Brad Harris, CAL FIRE Nevada-Yuba-Placer Unit Chief
Kelly Dreesman, CAL FIRE Assistant Chief

Jonathan F. Hoefler

1060 Lamor Court, South Lake Tahoe, CA 96150 (530) 577-5922 jthoefler@aol.com

California RPF



#276

March 31, 2012

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150



RE: South Shore Fuels Reduction Waste Discharge Requirements

Thank you for inviting me to comment on the discharge requirements proposed for this extensive project designed to reduce the potential for catastrophic fire in the forested areas around urbanized areas. The proposed requirements are comprehensive and at the same time formidable.

As a Licensed Professional Forester practicing for the past 35 years at Lake Tahoe, I have a great concern not only for the beauty and health of forests in the Lake Tahoe area, but also for the threat they present to the lake, streams, wildlife, aesthetics and other features of the area as well as homes and businesses due to potential wildfire. The South Shore Fuels Reduction Project is designed to reduce that wildfire threat, to maintain the health of the forest, and to retain the beauty of our surrounding landscape. I believe the practices of the USDA Forest Service, as presented in the Project Plan and the Environmental Impact Statement, to be sufficient to preserve water quality as well as the other environmental aspects addressed by the Lahontan Waste Discharge Requirements.

The lengthy and detailed nature of the Lahontan discharge requirements would cause me, as a trained, conscientious, practicing professional forester, to focus more on what is on paper than what I observe and respond to on the ground. I would fear more about the consequences that might be imposed by your agency if I violated the specifics of the discharge requirements, than that of the collective benefits to the environment my decisions and actions would put in place. Therefore, I view the discharge requirements as presented to be redundant to the Forest Service Plan and thus, because of an additional layer of regulation, a hindrance to the accomplishment of the objectives of the South Shore Fuels Reduction Plan. They should be simplified or removed.

Sincerely,

A handwritten signature in black ink that reads "Jon Hoefler". The signature is written in a cursive, flowing style.
Jon Hoefler

Cc – Lake Tahoe Basin Management Unit

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

ITEM NO. 4

LATE REVISIONS

MEETING OF APRIL 11 AND 12, 2012
South Lake Tahoe

**MITIGATED NEGATIVE DECLARATION ENVIRONMENTAL DOCUMENT AND
PROPOSED WASTE DISCHARGE REQUIREMENTS**

FOR

**UNITED STATES FOREST SERVICE,
LAKE TAHOE BASIN MANAGEMENT UNIT
SOUTH SHORE FUEL REDUCTION
AND HEALTHY FOREST RESTORATION PROJECT**

El Dorado County

The following late revisions are for the proposed Waste Discharge Requirement and Attachments (additions are underlined, and deletions are in ~~strikethrough~~).

Waste Discharge Requirement

1. Page 22 of the Waste Discharge Requirement (WDR), under Section B, Requirements and Prohibitions No. 9, change the last sentence to read:
“The Discharger shall submit this Fire Prescription Plan to Water Board staff ~~for review and acceptance~~ for review and acceptance 30 days prior to any Project-related burning activity.”
2. Page 25 of the WDR, under Section E, Reports Required No. 1, change the first sentence in the second paragraph to read:
“Annual Operating Plans are required to be submitted to Water Board staff for review and acceptance by no later than May 1 of each year, or at least 30 days prior to any ground-disturbing Project activity.”
3. Page 25 of the WDR, under Section E, Reports Required No. 2, change the first sentence to read:
“The Discharger shall submit the Fire Prescription Plan as described in WDR BMPs No. 25 through 31 and 63, and required under WDR Section B.9, to Water Board staff ~~for review and acceptance~~ for review and acceptance 30 days prior to any Project-related burning activity.”

WDR Attachment C - Monitoring and Reporting Program

4. Page 4 of the WDR Attachment C, Monitoring and Reporting Program (MRP), under Photopoint Monitoring Requirements, first bullet, change the second sentence, and add a new third sentence, to read:

“Prior to commencement of operations, Water Board and Discharger staff will jointly identify and rank the highest risk crossings for this photo-point monitoring, based on the ~~pre-operations layout of skid trails~~ likely ephemeral channel crossing locations and Unit slope characteristics. Once the exact locations of the ten highest risk crossings are determined by the Discharger, these locations shall be documented per WDR BMP No. 3 (Attachment F).”
5. Page 5 of the WDR Attachment C, MRP, under the “Where Winter Operations occur” bullet, change the first sub-bullet to read:

“The Daily Winter Monitoring checklist (MRP Attachment C) shall be filled out every day that equipment operations are conducted during the winter period (October 15 to May 1). In the interest of reducing monitoring during dry periods when not operating over either hard frozen soil conditions or snow, daily monitoring is only required beginning with the first National Weather Service forecast of 30% or greater chance of precipitation (<http://www.nws.noaa.gov/>). ~~If seven days of no precipitation occurs and soils are dry, monitoring may cease as soon as soils test as operable following cessation of the forecasted event,~~ until the next time National Weather Service forecasts a 30% chance of precipitation. Daily Winter Monitoring checklists shall be submitted to the Water Board by **July 15** following each winter season that winter operations occur.”
6. Page 7 of the WDR Attachment C, MRP, under Section III, Effectiveness Monitoring Requirements, change the first full paragraph to read:

“Effectiveness monitoring inspections shall take place after March 15 and before June 15 every year until these sites are stabilized, infiltration capacity is restored and/or vegetation recovery has commenced, and until a Final Certification (described below) report has been submitted to the Water Board ~~Effectiveness monitoring may cease in any particular Treatment Unit, once LTBMU notifies Water Board staff (e-mail notification is acceptable) that these actions have occurred within that Treatment Unit(s).~~ For those locations where snow cover or saturated soils prevent access to the monitoring sites by June 15, the inspections shall be conducted as soon as site conditions allow.”

WDR Attachment F – Best Management Practices and Mitigation Measures

7. Page 1 of the WDR Attachment F, Best Management Practices and Mitigation Measures (BMPs), BMP No. 3, change the first sentence to read:

“Where any part of BMPs No. 10, 13d, 17, 20, 21, 24, 39, 50 (limited to refueling issues), 52b, 54b, 55, and 82 is either not practicable or feasible due to the specified field conditions or is left to the Discharger’s discretion, ...”
8. Page 2 of the WDR Attachment F, BMPs, change BMP No. 4 to read:

“Where any of the WDR BMPs require submittal of additional details, plans, BMPs, mitigation measures, or any other design to Water Board staff, those designs shall be provided to Water Board staff for review and acceptance at least 30 days prior to site activities. Required designs may be submitted with the Annual Operating Plans or unit-specific workplans (per WDR Sections E.1 through E.5), or separately within the time frame noted. In rare cases where timing is critical, the Discharger may request a shorter time period for staff review and acceptance by the Water Board Executive Officer. This BMP does not apply to minor BMP deviations which can be covered under BMP No. 3, but applies to major BMP deviations and/or previously undeveloped, Unit-level plans. This includes, but is not limited to, the materials to be submitted ~~with the Annual Operating Plans or unit-specific workplans (per WDR Sections E.1 through E.5),~~ and as described under the following BMPs:

No. 6 (crossing SEZs with inoperable soil moisture conditions);
No. 11 (Final Contract Plans and Maps);
No. 12 (unit-specific SEZ maps) and 13d (identification and mapping of SEZ areas of insufficient material for operational slash mats, and providing equally protective BMPs);
No. 25 through 31 and 63 (Fire Prescription Plans);
No. 27 and 29 (updated, location-specific monitoring and mitigation plans for burn piles);
No. 34 and 90 (Erosion Control Plan);
No. 50 (in-lieu landing, fuel storage, and/or refueling plans);
No. 54c, 57, and 58 (Diversion and Dewatering Plans);
No. 57 and 58 (culvert replacement plans); and
No. 77 (Noxious Weed Plan).”

9. Pages 6-7 of the WDR Attachment F, BMPs, change BMP No. 13d to read:
“If operating within SEZs, CTL equipment must travel only over areas that have been scattered with sufficient limbs and tree tops to prevent rutting or compaction of underlying soils and minimize damage to native SEZ vegetation. The CTL Forwarder shall remove this slash bed when backing out of a completed unit; sufficient slash shall be left to provide adequate ground cover, as defined in BMP No. 21b. In ~~limited~~ areas of the Project (e.g., near Trout Creek), where it can be pre-determined that sufficient slash is ~~will be~~ unavailable to adequately control erosion, the Discharger shall identify and approximately map these areas, and detail equally-protective BMPs in either the Annual Operating Plans or unit-specific workplans, and follow BMP No. 3. In limited areas where a pre-determination on slash availability cannot be made, the Discharger shall follow BMP No. 3. In developing alternative BMPs to driving on a bed of slash where sufficient slash is not available, At the ~~minimum,~~ the Discharger shall, at a minimum, create waterbreaks on these particular CTL equipment trails per BMP No. 11. Waterbreaks or more protective BMPs shall be either created by hand work or using the CTL equipment as it is backing out of the unit.”

10. Page 7 of the WDR Attachment F, BMPs, under BMP No. 14, remove the underlining of “with full suspension” and change the first paragraph of the BMP to read:
“In the area between any waterbody and 25 feet beyond bankfull stage (or top of bank, whichever is greater) of any waterbody, CTL tree removal methods shall be limited to reaching in and removing logs with full suspension or via endlining to avoid ground disturbance. If soil ruts are created from equipment reach or endlining, the Discharger shall rake in and provide soil cover on these ruts, per BMP No. 21c), to avoid sediment delivery to waterbodies.”
11. Page 9 of the WDR Attachment F, BMPs, under BMP No. 21a, remove the underlining of “with full suspension” and change the BMP to read:
“Any other WT tree removal methods that disturb the ground surface within waterbody buffer zones, per BMP No. 15, shall be prohibited. Ground-based equipment may only reach in to remove material located within the distance noted in BMP No. 14 by using full suspension or via endlining, and may only operate within the waterbody buffer zone when constructing, removing, or utilizing temporary or permanent watercourse crossings.”
12. Page 11 of the WDR Attachment F, BMPs, under BMP No. 25, change the first sentence to read:
“The Discharger shall develop and submit a Fire Prescription Plan, as specified in the WDR Section B.9, to Water Board staff ~~for review and acceptance~~ prior to any Project-related burning activity, per BMP No.4.”
13. Page 11 of the WDR Attachment F, BMPs, under BMP No. 25, change the first sentence to read:
“A 50-foot buffer (no hand piling or pile burning) shall be flagged and maintained along Class I or II (perennial or intermittent watercourses or springs) watercourses, and lakes, ~~and special aquatic features.~~”
14. Page 15 of the WDR Attachment F, BMPs, change BMP No. 39 to read:
“Temporary road decommissioning shall include ripping where the rock content of the soil allows (<35% cobble by volume, as determined by the Discharger’s Watershed Specialist, per BMP No. 3). All compacted temporary roads shall be ripped and mulched upon completion of harvest and post-harvest operations. Ground cover shall be applied to adequately prevent erosion. Mulch shall be ripped into the decommissioned roads as a mitigation measure. In SEZs, decommissioning shall meet the ground cover requirements of BMP No. 21b, prior to ripping. Ripping shall be accomplished using a winged subsoiler or other equipment that will lift and fracture the subsoil by vertical and lateral shattering, leaving the soil loosened through the full width and depth of the compacted layer with the topsoil remaining substantially in place rather than being inverted. Subsoiling shall extend to a depth of 18 inches. The Discharger’s Watershed Specialist, pursuant to BMP No. 3, may agree to lesser depths when excessive rock or other limiting site

conditions are encountered. This work shall be done when the soil is dry. ~~Ground cover requirements, per BMP No. 21b, shall be met after ripping.~~"

15. Page 15 of the WDR Attachment F, BMPs, under BMP No. 43, add a sentence after the first sentence, to read:

"If a native surface road becomes rutted, the road shall be closed. Rutting is defined as creating depressions to a depth of two-inches or more for a distance of 25 feet or more. If monitoring of the area indicates the rutting is an isolated instance and adequate conditions, as defined in BMP No. 22, ..."

16. Page 16 of the WDR Attachment F, BMPs, change BMP No. 50 to read:

~~"Landings, fuel storage, and refueling areas shall be located outside RCAs, except where operationally infeasible, which means either a suitable landing currently exists in an RCA or it is cost-prohibitive to locate a new landing outside of the RCA. unless a specific site plan detailing reasoning for the proposed in-lieu practice and adequate additional mitigation measures is submitted to Water Board staff for review and acceptance prior to implementation (per BMPs No. 3 and 4). Fuel storage is prohibited in RCAs."~~

17. Pages 16-17 of the WDR Attachment F, BMPs, change BMP No. 51 to read:

~~"The Discharger's Watershed Specialist shall evaluate all existing landings that will be used for determining the presence of existing or potential erosion problems. The Discharger must apply appropriate BMPs to prevent adverse erosion prior to use of the landing. Landings with slopes >2% shall be outsloped to provide proper drainage. On existing landings that cannot be outsloped, ditching may be used. Drainage ditches, where used, shall not hydrologically connect with a waterbody. The outlets of these drainage ditches shall be evaluated to determine if additional energy dissipaters, per BMP No. 37d, are necessary."~~

18. Page 17 of the WDR Attachment F, BMPs, under BMP No. 54b, change the last sentence to read:

~~"Upon consultation with Water Board staff, A "Humboldt" crossings may be used as a deviation to a modified Spittler crossing, per BMP No. 3, on Class III watercourses, but must be removed, and the associated soils stabilized, prior to any one-inch storm event forecast by the NWS."~~

19. Page 18 of the WDR Attachment F, BMPs, change BMP No. 55 to read:

~~"All native-surfaced road and skid trail crossings on all SEZs and waterbodies shall be protected evaluated for protection from side-sloughing. of native-surfaced roads by Where soils or sediments can be discharged to an SEZ, watercourse, or 100-year floodplain from the crossing, the Discharger shall provide adequate protection, such as placing coir logs, straw bales, or the equivalent (including well-rocked aprons) along the edges of the crossing above the creek sensitive area. The evaluation and remedy, where required, shall be documented per BMP No. 3. Any accumulated or sloughed-in soils in~~

an SEZ, watercourse, or 100-year floodplain ~~the channel~~ following removal of a temporary crossing shall be removed and stabilized in an upland location, and the SEZ and/or stream bed, and banks and 100-year floodplain shall be restored to their original configuration. Disturbed soils shall be stabilized per BMP No. 21b.”

20. Page 22 of the WDR Attachment F, BMPs, under BMP No. 76, change the first sentence to read:

“If it is determined that treatment of annosus root disease is needed, then Live true fir and pine tree cut stumps 14 inches diameter and greater shall be treated with an EPA-registered borate compound (Sporax), ...”

21. Page 23 of the WDR Attachment F, BMPs, under BMP No. 83, change the last sentence to read:

“Based on consultation with the Discharger’s Federal Forestry Professional and Recreation Officer, the Forest Supervisor shall authorize plans for temporary closures and activities from the Project ~~to coincide with low visitor times~~ to ensure the safest conditions for the Discharger’s workers and the general public.”

DRAFT