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February 26, 2012

Lahontan Water Board
Attn: George Cella
2501 Lake Tahoe Boulevard,
South Lake Tahoe, CA 96150

Re: Comments on the Tentative Waste Discharge Requirements (WDRs) for the Forest Service South Shore Fuel Reduction and Healthy Forest Restoration Project

Dear Mr. Cella:

The California Forestry Association (CFA) offers the following comments on the Tentative Waste Discharge Requirements (WDRs) for the South Shore Fuel Reduction and Healthy Forest Restoration Project.

Summary of Comments:

CFA does not understand why the South Shore project isn't enrolled under the Lahontan Timber Waiver. We believe the Waiver is what the bi-state fire commission report was aiming for. The activities proposed in the South Shore project are no different than the activities in the Big Meadow, Aspen, and Angora Restoration projects. The correct permitting process for the South Shore project should be the Timber Waiver.

The Water Board should also recognize the benefits associated with implementation of the South Shore project in the permitting process. Providing fuels reduction and forest health improvement along with road maintenance and reconstruction work will improve water quality, reduce fuel loading, and reduce the risk to life and property from another large wildfire. The risk of another "Angora Fire" is significant. Further, in our opinion, the South Shore final Environmental Impact Statement provides more than sufficient analysis for the Water Board to adopt it as the CEQA equivalent.

The waiver issue aside, CFA does not understand why the Water Board believes it necessary to rewrite over 80 U.S. Forest Service Best Management Practices (BMPs) (WDR Attachment F). To our knowledge every one of the BMPs that the Water Board has tentatively rewritten are BMPs that have shown through implementation and effectiveness monitoring to be fully functional in safe-guarding water quality in the Lake Tahoe Basin.

We do not believe any of the Water Board's proposed changes to existing BMPs and other tentative mitigation measures are warranted and do not find any compelling rationale by the Water Board for the proposed changes. In fact, we're curious if the Water Board has reviewed recent on-the ground studies and literature in regard to the adequacy of stream buffers and BMPs for protecting water quality. Several have been attached to the email for your review. One example is the Slaughterhouse and Roundhill Soil Quality monitoring reports showing that tracked equipment and forwarders used in wetter conditions or in SEZs has insignificant compaction and no rutting, which is contrary to your proposed conditions in Attachment F #6.

Specific Comments to WDR Attachment F

Should the Water Board believe that it needs to continue with tentative proposed rewritten BMPs and mitigation measures, we offer the following specific comments to WDR Attachment F:

- **General BMP #4** – Requires that for **all** of the "BMPs" in the WDRs that require submittal of additional details, plans, BMPs, mitigation measures or any other design to Water Board staff, information be provided at least 30 days prior to site activities. This is unworkable to be responsive to field conditions that come up during normal operations. A more workable solution is for the Forest Service to provide plans now for approval for:

  - 1) crossing wet areas with equipment (#6);
  - 2) using landings in RCAs (#50);
  - 3) alternative methods for decommissioning where ripping can't occur because of rock content (#52b);
  - 4) temporary crossings without a pipe (#54b); and
  - 5) dewatering and diversion plans for installation and removal of crossing in wet channels;

  rather than during implementation thereby only having to deal with deviations that come up during implementation.

- **General BMP #5** – Refers to "dry soil conditions" as determined by the table, but should refer to "operable" conditions, as there is a dry soils column of the table, which could cause confusion.

  - Also in General BMP #24 should change mention of dry soil to operable soil moisture conditions when referring to Table F1.

- **General BMP #6** – Says that the Soil Scientist will need to do all soil moisture determinations. We suggest to be practical and to facilitate operations, it should read: "Discharger's soil scientist, hydrologist, sale administrator or harvest inspector, who has been trained and is familiar with the use of the protocol."

  - We believe the Soil Moisture Classification Protocol Table should be included providing a protocol for very moist soil moisture in coarse soils (Attached to the email).

- **General BMP #6** – Says that the Lake Tahoe Basin Management Unit (LTBMU) will need to submit "detailed justification and plans, including monitoring and mitigation measures to Water Board staff for review and acceptance prior to implementation" when we want to cross an SEZ area that has inoperable soil moisture conditions. This proposal will be unworkable during the operation. An acceptable plan needs to be determined now rather than causing stop work orders during implementation for 30 day review periods.

  An example of an acceptable plan that could be agreed upon now might be "wet soil areas be crossed on landing mats or construction mats that distribute the weight of the equipment thereby reducing the risk of compaction. If rutting is observed in these areas, ruts would be hand raked and cover would be provided consistent with BMP 21b. Water Board staff will be notified of all areas where this BMP is applied. Pre and post-implementation photos of these areas will be taken and provided to Water Board staff with the other permit reporting information."

- **General BMP #13d** – The proposal says the operator is to travel over slash mats in SEZs with CTL equipment. We point out that the Heavenly SEZ Report showed that slash mats didn't make a difference for soil or water quality effects.

  > The Heavenly SEZ report states: "Statistical analysis also determined that there was no significant difference between post-project data collected within visible equipment tracks, whether operated on a slash mat or not. Analysis also indicates that the difference between post-project tracked and "untracked" areas (no visible equipment tracks) was smaller than expected. This indicates that the impacts from forwarder / harvester equipment in these treatment units were sustained fairly equally throughout the area treated, regardless of slash mats, or number of vehicle passes."

  Also, there is a significant expense to remove all of this material after treatments are completed.

  Another approach might be to have this requirement apply only to main forwarder trails, and be reworded to "main forwarder trails must be scattered with limbs and tree tops to prevent rutting or compaction of underlying soils and minimize damage to native SEZ vegetation unless working in an area with only dead material without live branches available."

- **General BMP #26** – Applies the 50 foot piling exclusion buffer to special aquatic features, which is not required by the LTBMU Forest Plan and is not our SOP. To be consistent with the LTBMU plan, an approach would be to require a "50 ft piling exclusion buffer along perennial and intermittent watercourses and standing water".

- **General BMP** #26 – Also requires that 10 foot buffer be used on ephemeral channels "where slopes are less than 15 percent". We believe this is a typo and is meant to say "where slopes are greater than 15 percent". If this is not a typo, then how is the Forest Service going to deal with piling and burning on slopes >15 percent?

- **General BMP #27** – The requirement to rake, mulch and cover the burn pile areas where "hydrophobic soils were created beneath" needs further discussion with LTBMU because there is no hydrophobicity monitoring element for pile burning in SEZs.

- **General BMP #31** – In order to allow some flexibility to accommodate field conditions, we suggest the maximum pile requirements be adjusted to read: "Non linear pile pattern, minimum of 10 foot spacing between piles, [**approximate]** maximum pile size of 10 foot diameter and 5 foot height [**allowing for up to 15 percent deviation in dimensions]**, no more than 30 percent of SEZ acre occupied by piles, and no more than 15 percent burned in a given year."

- **General BMPs #36 and #42** – Requires that all native surface road intersections with paved roads be rocked (3 inch plus competent rock). We believe the requirement be modified to allow chips as a substitute for rock if acceptable to the owner/manager of the paved road (i.e. City or County) under the encroachment permit.

- **General BMP #37c** – In addition to needing to use modified Spittler crossings (see BMP #54 below), the outlet of the pipes is now required to be rocked. We believe this requirement to rock pipe outlets is unnecessary in most cases particularly ephemeral channel crossings.

- **BMP #39** – All temporary roads need to be ripped to an 18 inch depth (if rock content under 35%) with a winged subsoiler or other method that results in vertical and lateral shattering, not a rock ripper. A winged subsoiler will not survive in soils that have up to 35% rock content. Further discussion with LTBMU and in-woods contractors is needed.

- **BMP #41** – Requires that "all existing temporary roads' previous uses and widths" be evaluated for adequacy". This was already done under the South Shore EIS analysis, and, therefore, we believe this BMP is not necessary and should be removed.

- **BMP #50** – Requires that all landings in RCAs have a specific site plan detailing the reason for this landing location and additional mitigation measures submitted to the Water Board for review and acceptance 30 days prior to use. These plans should be agreed upon now rather than during implementation of the project.

- **BMP #52b** – All landings that can't be ripped because of rock content need to provide alternative procedure for decommissioning for 30 day review and WB approval before implementing.

- **General BMP #54b** – This says that all temporary crossings (on intermittent and ephemeral channels) need to be "modified Spittlers" with a culvert or Humboldt crossing for Class III watercourses. This is a change from Forest Service standard operating procedures. Examples of where the existing BMP has not been fully functional should be provided to support any change.

- **General BMP #54c** – Requires that all temporary crossings that are installed on intermittent channels where flow or standing water is encountered during installation and removal follow a detailed diversion plan and dewatering plan. We believe a plan that applies to all crossings be approved early on then only deviations during implementation would have to wait for the 30 day approval process.

- **General BMP #55** – Requires that all crossings on all waterbodies have coir logs, straw bales or other BMP along the edges of the crossing above the creek. We believe this requirement should only be required "when channels are wet, or will be left in place during a 1 inch or greater precipitation event."

We appreciate the opportunity to comment and hope that our detailed response will be useful in achieving the implementation of a very valuable project to the health of the forest and the protection of local life and property.

Sincerely,

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