
North Coast Regional Water Quality Control Board

Rachel Smith
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Dear Ms. Smith:

Subject: **Notice of Violation:** Failure to Submit 2021 Grazing Annual Monitoring Report pursuant to sections V and XI.4.C of Monitoring and Reporting Program No. R1-2015-0021 for *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*

File: USDA USFS - Klamath National Forest (CW- 754118)

The purpose of this letter is to notify you that, as of September 16, 2021, the North Coast Regional Water Quality Control Board (Regional Water Board) has not received a draft or final 2021 Grazing Allotment Monitoring Plan (AMP) from Klamath National Forest (KNF), a requirement of Monitoring and Reporting Program (MRP) No. R1-2015-0021 for *Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region (Waiver)*. The MRP is issued to the United States Forest Service (USFS) pursuant to California Water Code section 13267(b). Failure to submit an AMP by March 1 each year is a violation of Water Code section 13267(b) and sections V and XI.4.C of the MRP.

On June 23, 2020, KNF requested a modification to the requirements of the MRP due to staffing safety considerations as a result of the COVID-19 pandemic. On July 2, 2020, the Regional Water Board granted KNF's request and released KNF from the e. coli monitoring requirement. However, as of September 16, 2021, KNF has not submitted a draft or final AMP, nor has KNF requested any modifications or an extension of the required monitoring conditions for 2021; this is a violation of the Waiver.

Draft AMPs were due on March 1, 2021, for the 2021 monitoring year. Given the delay in completing e. coli monitoring and the current status of grazing operations at this time of year, submittal of a 2021 AMP no longer provides valuable information, and the Regional Water Board hereby waives the requirement to submit the AMP for 2021.

Timely submittal of AMPs is intended to ensure compliance with water quality requirements as specified in the Waiver and *Water Quality Control Plan for the North Coast Basin* (Basin Plan). Failure to submit draft and final AMPs prevents staff from being able to: evaluate KNF's compliance with the Waiver and Basin Plan; provide comments to KNF on the information included in the report; and incorporate any agreed-to changes into the following year's monitoring activities. Failure to submit required monitoring reports in a timely manner may subject KNF to additional enforcement actions.

Regional Water Board staff are currently developing the next iteration of the Federal Lands Permit. We are considering alternative monitoring approaches with respect to grazing operations on federal lands. The Executive Officer has the authority to revise the current MRP (No. R1-2015-0021) for the Waiver, and such revisions that would modify monitoring requirements for upcoming monitoring years are being drafted now for the Executive Officer's consideration.

We encourage open and timely communication with our agency about any challenges you face complying with our regulatory requirements. As we have done before, our agency is available to discuss accommodations to meet our regulatory requirements on a case-by-case basis. Open and timely communication with our agency shows a good faith effort to comply, is important for maintaining a strong partnership, and will be mutually beneficial as we develop the next iteration of our Federal Lands Permit.

Please contact Forest Fortescue of our staff at forest.fortescue@waterboards.ca.gov or 707-576-2595 if you have any questions.

Sincerely,

Joshua Curtis
Assistant Executive Officer

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