

---

## North Coast Regional Water Quality Control Board

Ann Carlson  
Forest Supervisor  
Mendocino National Forest  
825 N. Humboldt Ave.  
Willows, CA 95988  
[ann.carlson@usda.gov](mailto:ann.carlson@usda.gov)

Dear Ms. Carlson:

Subject: **Notice of Violation:** Late Submittal of 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 - Mendocino National Forest (CW- 754119)

The purpose of this letter is to notify you that Mendocino National Forest (MNF) was in violation 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 Allotment Monitoring Plan (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.

Draft AMPs were due on March 1, 2021, for the 2021 monitoring year. On June 4, 2021, the North Coast Regional Water Quality Control Board (Regional Water Board) received a draft 2021 AMP from MNF. At the time of submittal, Regional Water Board staff reviewed the draft 2021 grazing AMP and determined that it did not include any proposed e.coli monitoring sites and was thereby incomplete. Based on the late submission of the AMP and the lack of proposed indicator bacteria monitoring, Regional Water Board staff determined that it was too late in the season to effectively implement the required e.coli monitoring requirements contained in the MRP for 2021. As a result, the Regional Water Board hereby waives the requirement to submit e.coli monitoring in 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 MNF's compliance with the Waiver and Basin Plan; provide comments to MNF 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 MNF 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](mailto:forest.fortescue@waterboards.ca.gov) or 707-576-2595 if you have any questions.

Sincerely,

Joshua Curtis  
Assistant Executive Officer

210916\_CJD\_MNF\_NOV\_Grazing

cc: Tom Frolli, [tom.frolli@usda.gov](mailto:tom.frolli@usda.gov)  
Hilda Kwan, [hilda.kwan@usda.gov](mailto:hilda.kwan@usda.gov)  
Brenda Olson, [brenda.olson@usda.gov](mailto:brenda.olson@usda.gov)  
Gabriel Venegas, [gabriel.venegas@usda.gov](mailto:gabriel.venegas@usda.gov)