

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, June 20, 2019
Eureka City Hall
Eureka Council Chambers
Eureka, CA

ITEM: 7

SUBJECT: Update on implementation of 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 (Forest Fortescue)*

BOARD ACTION: This is an informational item only. No action will be taken by the North Coast Regional Water Quality Control Board (Regional Water Board).

BACKGROUND: On October 8, 2015, the Regional Water Board adopted 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* (Federal Waiver). Federal lands in the North Coast Region include National Forest System (NFS), Bureau of Land Management (BLM), and National Park Service (NPS) lands.

The Federal Waiver covers discharges associated with certain nonpoint source activities on federal lands which have the potential to discharge waste that may affect the quality of waters of the state. Most of the potential water quality impacts associated with eligible activities are associated with erosion and sediment delivery, or alterations to riparian systems that may reduce shade and affect water temperatures. Nonpoint source activities covered by the Federal Waiver include timber harvesting, fire suppression, non-emergency restoration and rehabilitation of burned areas, vegetation management, fuels reduction, road and trail maintenance, road construction and decommissioning, and grazing management activities. The Federal Waiver also functions to demonstrate federal land management agency compliance with sediment and temperature total maximum daily loads (TMDLs) in the North Coast Region.

The Federal Waiver and associated Monitoring and Reporting Program (MRP) rely on existing federal best management practices (BMPs), restoration programs, and monitoring protocols to demonstrate compliance with water quality standards. Federal agencies are required to actively address legacy sediment sites within project areas to demonstrate reasonable progress towards TMDL implementation and protection of water quality. TMDL implementation on federal lands includes: legacy sediment site inventories, prioritization and site treatment; retention of natural shade within designated riparian zones; and implementation of BMPs and project specific on-the-ground prescriptions designed to meet the BMPs.

The impact of catastrophic wildfires on NFS lands and adjacent communities resulted in the United States Forest Service (USFS) developing several large fire salvage and fire recovery projects across the North Coast Region. Regional Water Board staff participated in the National Environmental Policy Act (NEPA) review process for each of the fire recovery projects proposed by the USFS since adoption of the Federal Waiver. Regional Water Board staff have succeeded in incorporating on-the-ground prescriptions to protect water quality through comments on NEPA documents and inspections of USFS post fire projects.

The grazing allotment monitoring section of the MRP was developed to evaluate the effectiveness of USFS grazing BMPs at protecting water quality and to determine any potential impacts from livestock on in-stream indicator bacteria concentrations in key grazing areas. Monitoring data collected under the MRP is intended to inform the development of new and renewed grazing permits as part of the NEPA process, as the Federal Waiver is designed to only cover projects after NEPA is renewed. Due to changes in federal laws and policies, no new NEPA reviews for grazing allotments have been completed since the Federal Waiver was adopted in 2015.

DISCUSSION: When adopted by the Regional Water Board in October 2015, Board members requested periodic updates on the implementation of the Federal Waiver. Regional Water Board staff's presentation will provide an overview of the Federal Waiver and its implementation to date, the number and types of projects enrolled, inspections conducted, general observations, and lessons learned. The presentation will highlight: federal post-fire recovery and vegetation management projects, grazing allotment monitoring and sample results, and legacy sediment site treatment activities.

Being a waiver which has a 5-year life, the existing Federal Waiver will expire in October 2020. Beginning this year Regional Water Board staff have begun considering potential revisions to the Federal Waiver that will be considered for adoption by October 2020. Since its adoption in 2015, staff from the Regional Water Board, USFS, BLM, and NPS have identified elements of the Federal Waiver that are functioning well and should be sustained as well as others that warrant updating and/or modification. Regional Water Board staff will identify potential revisions under consideration.

In addition, USFS, BLM, and NPS representatives have been invited to present to the Regional Water Board on their successes and challenges associated with implementing the Federal Waiver. Regional Water Board staff anticipate representatives from the USFS will present summaries of their accomplishments, progress toward TMDL implementation, and describe their experiences and challenges implementing the Federal Waiver.

RECOMMENDATION: This is an informational item. No action will be taken.