



Item No. 7

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, PG
Engineering Geologist

North Coast Regional Water Quality Control Board
June 20, 2019

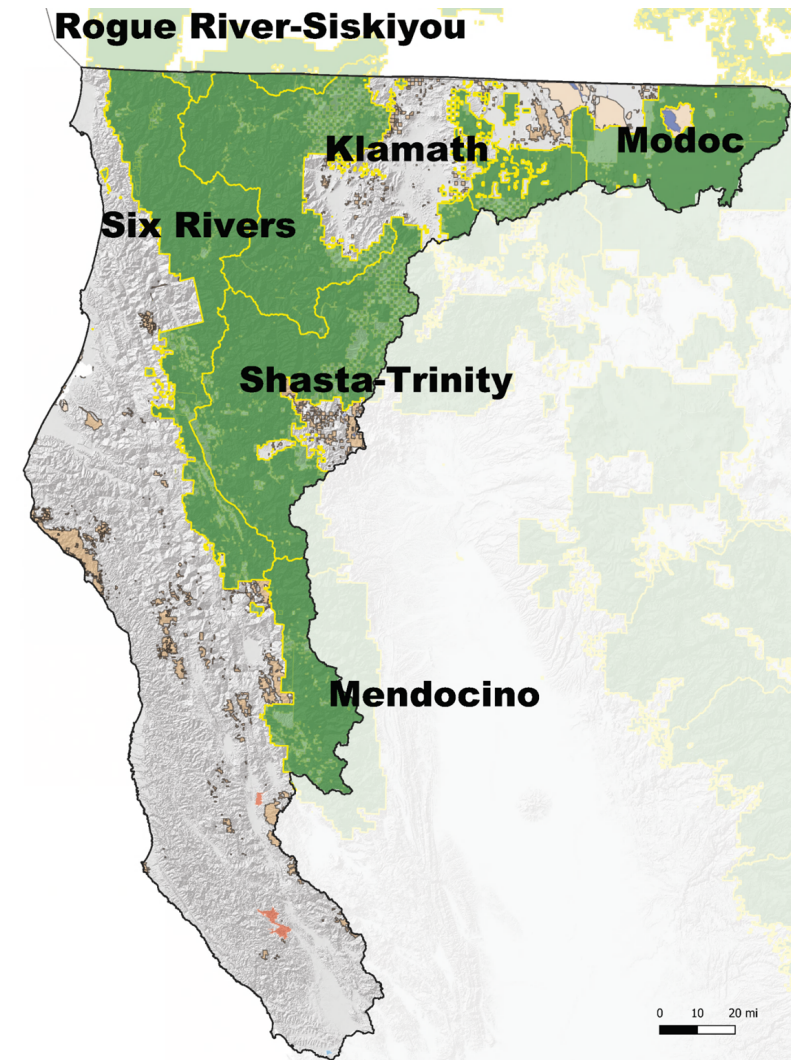


Today's Agenda

- RWB Staff Presentation – 30 minutes
- BLM Presentation – 15 minutes
- USFS Presentation – 45 minutes
- Public Comments
- Board members Q & A

RWB Presentation Outline

- Federal Lands Overview
- Federal Waiver
 - ✓ Moderate Risk Activities
 - ✓ Monitoring & Reporting Program
 - ✓ Potential Revisions



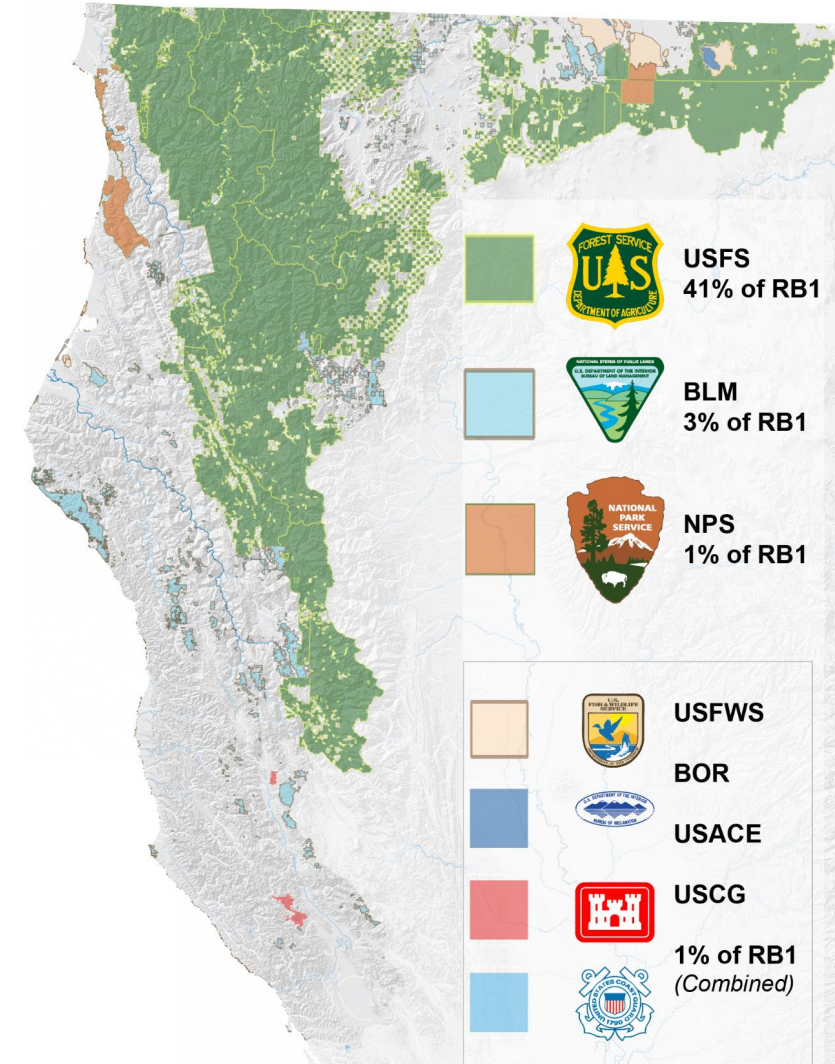


Federal Lands Overview

Federal Lands in the North Coast Region

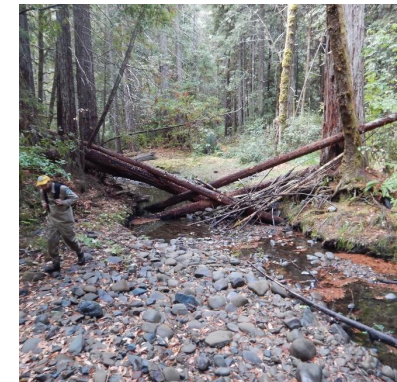
U.S. Forest Service =	5,101,074 acres
Bureau of Land Management =	381,895 acres
National Park Service =	141,954 acres
US Fish and Wildlife Service =	105,779 acres
Other Federal Agencies =	33,684 acres

Federal land comprises 46% of the North Coast Region (5,764,386 acres)



Primary Land Use Activities on Federal Lands

- Vegetation management
- Fire recovery
- Livestock grazing
- Road management
- Recreation
- In-channel restoration
- Mining





Federal Waiver

Regulatory Background

- 1969 – Porter-Cologne Water Quality Control Act
- 1972 – Federal Clean Water Act
- 1981 – SWRCB/USFS Management Agency Agreement
- 2004 – SWRCB Nonpoint Source Policy

*... all current and proposed **NPS discharges must be regulated under WDRs, waivers of WDRs, or a basin plan prohibition, or some combination of these administrative tools.***



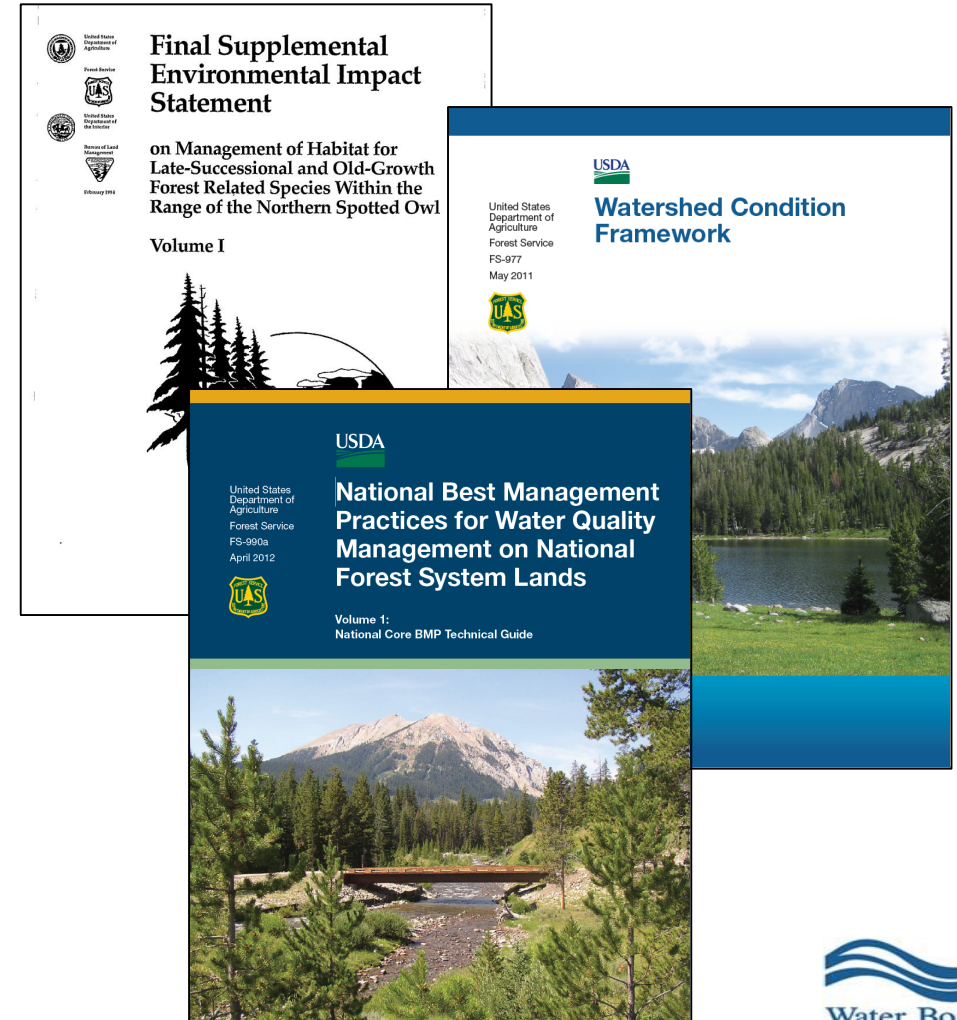
Federal Waiver Development

- 2004 – First USFS Waiver (R1-2004-0015)
 - ✓ Covered only USFS Timber Projects
- 2010 – Second USFS Waiver (R1-2010-0029)
 - ✓ Expanded to a Nonpoint Source Waiver
- 2015 – Current Federal Waiver (R1-2015-0021)
 - ✓ Covers all federal agencies
- 2019-2020 – Development of Next Permit



Federal Waiver Structure

- Relies on existing federal plans and policies
- Covers activities with a low-to-moderate risk to water quality
- Designed to demonstrate reasonable progress towards addressing CWA 303(d) impairments for sediment and temperature



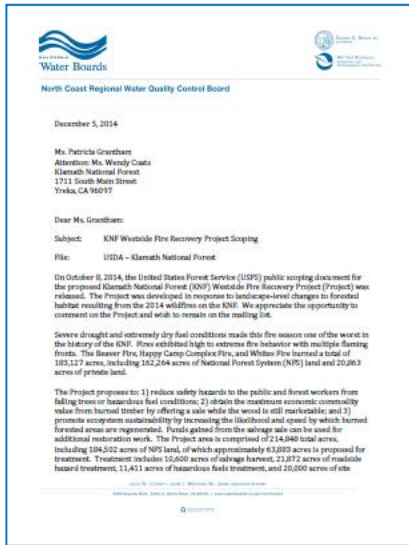
Federal Waiver Process

NEPA Schedule

Schedule of Proposed Action (SOPA)					
07/01/2016 to 06/30/2016					
Klamath National Forest					
The report contains the best available information at the time of publication. Questions may be directed to the Project Contact.					
Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
Klamath National Forest, Forestwide (excluding Projects occurring in more than one Forest)					
Yreka Flood Hazard Reduction Project/FS Service Center EA			RS - Pacific Southwest Region		
UPDATED	- Watershed management - Facility management	In Progress: Scoping Start 09/15/2015 EIS Comment Period Public Notice 07/20/16	Expected 1/5/2016	1/5/2016	Karen Nolan 530-841-4431 knolan@fs.fed.us
Description: Modification of the 100-year floodplain surrounding the Yreka Service Center by lowering the ground in some areas and raising it in others. Small buildings will be removed or relocated; a bridge will be relocated on site. NCRWGCB waiver: not eligible.					
Web Link: http://ci.yreka.ca.us/assets/files/Revised_NOP_9-2-201_FINAL.pdf					
Location: UNIT - Klamath National Forest All Units, STATE - California, COUNTY - Siskiyou, LEGAL - Not Applicable. 1030 S. Main Street in Yreka, CA. It is part of the Yreka City, Yreka Creek 7th field watershed (HUC 18010207050204) within the Yreka Creek 8th field watershed (HUC 1801020705020).					



RWB Review & Comment on Project NEPA



Category A

- Low risk to water quality
- Automatically enrolled
- No additional monitoring



Federal Waiver Process

Category B

NEPA Schedule

Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
Klamath National Forest, Forestwide (excluding Projects occurring in more than one Forest)					
Yreka Flood Hazard Reduction Project/FS Service Center					
EA	- Watershed management - Facility management	In Progress: Scoping Start 09/15/2015 Est. Comment Period Public Notice 07/20/16	Expected 1/5/2016	1/5/2016	Karen Nolan 530-841-4431 knolan@fs.fed.us
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RWB Review & Comment on Project NEPA

Water Boards
North Coast Regional Water Quality Control Board

December 5, 2014

Ms. Patricia Grantham
Attention: Ms. Wendy Calks
Klamath National Forest
1711 South Main Street
Yreka, CA 96097

Dear Ms. Grantham:

Subject: KNF Westside Fire Recovery Project Scoping

File: USDA - Klamath National Forest

On October 8, 2014, the United States Forest Service (USFS) public scoping document for the proposed Klamath National Forest (KNF) Westside Fire Recovery Project (Project) was released. The Project was developed in response to landscape-level changes to forested habitat resulting from the 2014 wildfires on the KNF. We appreciate the opportunity to comment on the Project and wish to remain on the mailing list.

Severe drought and extremely dry fuel conditions made this fire season one of the worst in the history of the KNF. Fires exhibited high to extreme fire behavior with multiple flaming fronts. The Beaver Fire, Happy Camp Complex Fire, and Whites Fire burned a total of 183,127 acres, including 162,264 acres of National Forest System (NFS) land and 20,863 acres of private land.

The Project proposes to: 1) reduce safety hazards to the public and forest workers from falling trees or hazardous fuel conditions; 2) obtain the maximum economic commodity value from burned timber by offering a sale while the wood is still marketable; and 3) promote ecosystem sustainability by increasing the (disturbed and opened by which burned forested areas are regenerated. Funds gained from the salvage sale can be used for additional restoration work. The Project area is comprised of 214,948 total acres, including 104,622 acres of NFS land, of which approximately 63,800 acres is proposed for treatment. Treatment includes 10,600 acres of salvage harvest, 21,872 acres of roadside hazard treatment, 11,411 acres of herbaceous fuels treatment, and 20,000 acres of site



Application

USDA United States Department of Agriculture

Forest Service Klamath National Forest Supervisor's Office

1711 S. Main Street
Yreka, CA 96097-0116
530-842-4131
TDD: 530-841-4574

File Code: 2530
Date: April 6, 2016

Matthew St. John
Executive Officer
North Coast Regional Water Quality Control Board
5530 Skyline Blvd., STE. A
Santa Rosa, CA 95403-3972

Dear Mr. St. John:

Enclosed is a revision to our March 9, 2016 application for coverage under Category B of the Waiver of Waiver Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region, Order No. 21291-0021 for the Westside Fire Recovery Project. The changes are made in response to the North Coast Regional Water Board letter dated March 16, 2016 which stated that the legacy site plan does not comply with the eligibility requirements of the 2015 Waiver. The legacy site plan in section F and attachment 1 of the application have been revised to area sites with the highest potential to produce sediment in each field watershed where project activities are located. The revised treatment schedule will implement all restoration work within the timeframe of the Westside Fire Recovery Project. The revised Waiver application is now fully compliant with Category B condition #3 of the 2015 Waiver.

For further information please contact Greg Lantz at (530) 841-4534 or gmlantz@fs.fed.us

Sincerely,
Patricia Grantham
PATRICIA GRANTHAM
Forest Supervisor

Enclosures

Center for the Land and Serving People

Enrollment

Water Boards
North Coast Regional Water Quality Control Board

April 20, 2016

Ms. Patricia Grantham
Klamath National Forest
1711 South Main Street
Yreka, CA 96097

Dear Ms. Grantham:

Subject: 2015 Waiver Coverage - Klamath National Forest Westside Fire Recovery Project

File: USDA - Klamath National Forest

On April 6, 2016, the North Coast Regional Water Quality Control Board (Regional Water Board) received a revised Category B Application (Revised Application) and Notice of Intent from the Klamath National Forest (KNF) requesting coverage for the Westside Fire Recovery Project (Project) under Order No. RL-2013-0021 (2015 Waiver).

The Project was developed in response to landscape-level changes to forested habitat resulting from the 2014 wildfires on the KNF. Severe drought and extremely dry fuel conditions made the 2014 fire season one of the worst in the history of the KNF. The Beaver Fire, Happy Camp Complex Fire, and Whites Fire burned a total of 183,127 acres, including 162,264 acres of National Forest System land and 20,863 acres of private land. The Project area occupies 216,680 total acres, including 107,100 acres of National Forest System land and 110,580 acres of private land. The Project proposes to: 1) reduce safety hazards to the public and forest workers from falling trees or hazardous fuel conditions; 2) obtain the maximum economic commodity value from burned timber; and 3) promote ecosystem sustainability by increasing the likelihood and speed by which burned forested areas are regenerated.

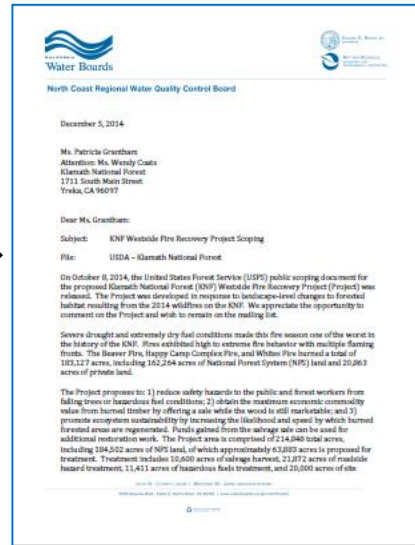
To accomplish the Project's objectives, the U.S. Forest Service (USFS) proposes:

- 5,570 acres of salvage harvest within 6,890 acres of harvest units, where fire-killed trees (snags) will be removed to reduce future fire risk and severity; and to provide for public and forest-worker safety.

Federal Waiver Process

NEPA Schedule

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<p>Description: Modification of the 100-year floodplain surrounding the Yreka Service Center by lowering the ground in some areas and raising it in others. Small buildings will be removed or relocated; a bridge will be relocated on site. NCRWGCB waiver: not eligible</p> <p>Web Link: http://ci.yreka.ca.us/assets/files/Revised_NOP_9-2-201_FINAL.pdf</p> <p>Location: UNIT - Klamath National Forest All Units. STATE - California. COUNTY - Siskiyou. LEGAL - Not Applicable. 1030 S. Main Street in Yreka, CA. It is part of the Yreka City, Yreka Creek 7th field watershed (HUC 18010207050204) within the Yreka Creek 8th field watershed (HUC 1801020705020).</p>					



Not Waiver Eligible

- Mining and mine cleanup
- Construction/Industrial statewide stormwater permits
- CWA §404 permits



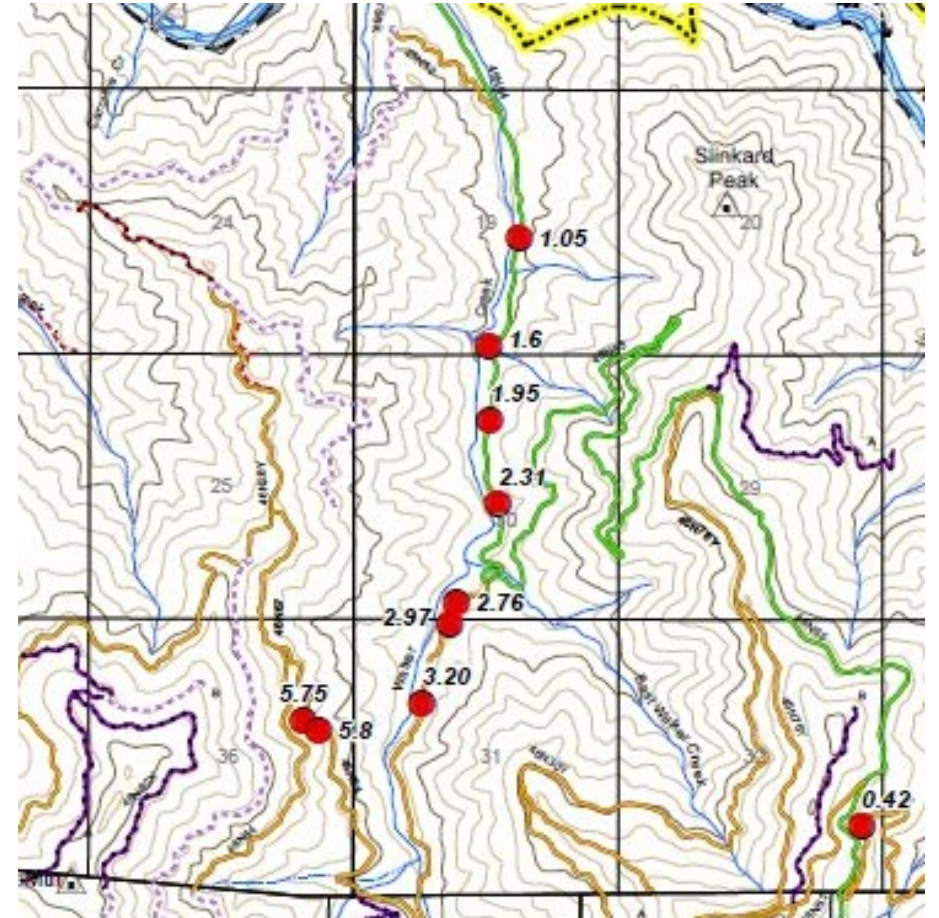
Legacy Sediment Site Treatment



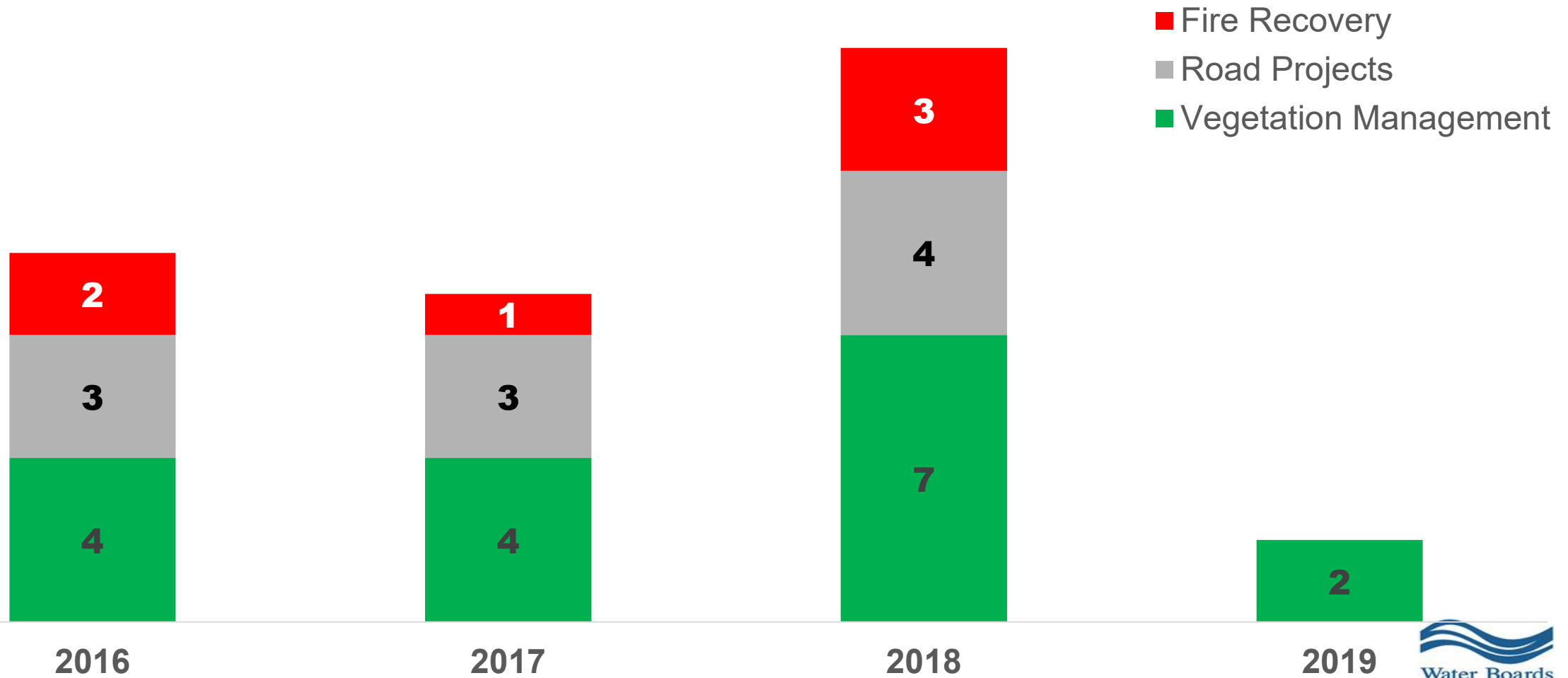
- Legacy Sediment Sites meet the following conditions:
 - ✓ Is discharging or has the potential to discharge sediment to waters of the state
 - ✓ Was caused or affected by human activity
 - ✓ May feasibly and reasonably respond to prevention and minimization measures
- Federal Waiver requires inventory, prioritization and treatment of legacy sites on Category B projects

Legacy Sediment Site Treatment

- Alternative Legacy Sediment Site Treatment Plans
- Legacy Sediment Site Trading
- Watershed Condition Framework / Watershed Restoration Action Plans



Federal Waiver - Category B Enrollments



Inter-Agency Collaboration

- April 8, 2016 – USFS Annual Meeting
- May 25, 2016 – USFS Grazing Monitoring Meeting
- October 18, 2016 – BLM Federal Waiver Meeting
- March 22, 2017 – USFS Annual Meeting
- December 14, 2017 – USFS Grazing Monitoring Meeting
- February 8, 2018 – BLM Co-Op Agency Collaboration Meeting
- August 9, 2018 – NPS Redwood Rising Coordination Meeting
- March 7, 2019 – USFS Annual Meeting
- April 29, 2019 – UC Davis Indicator Bacteria Monitoring Meeting





Moderate Risk Activities



Vegetation Management



Vegetation Management

- Site preparation
- Pre-commercial thinning
- Timber harvest





Fuels Reduction

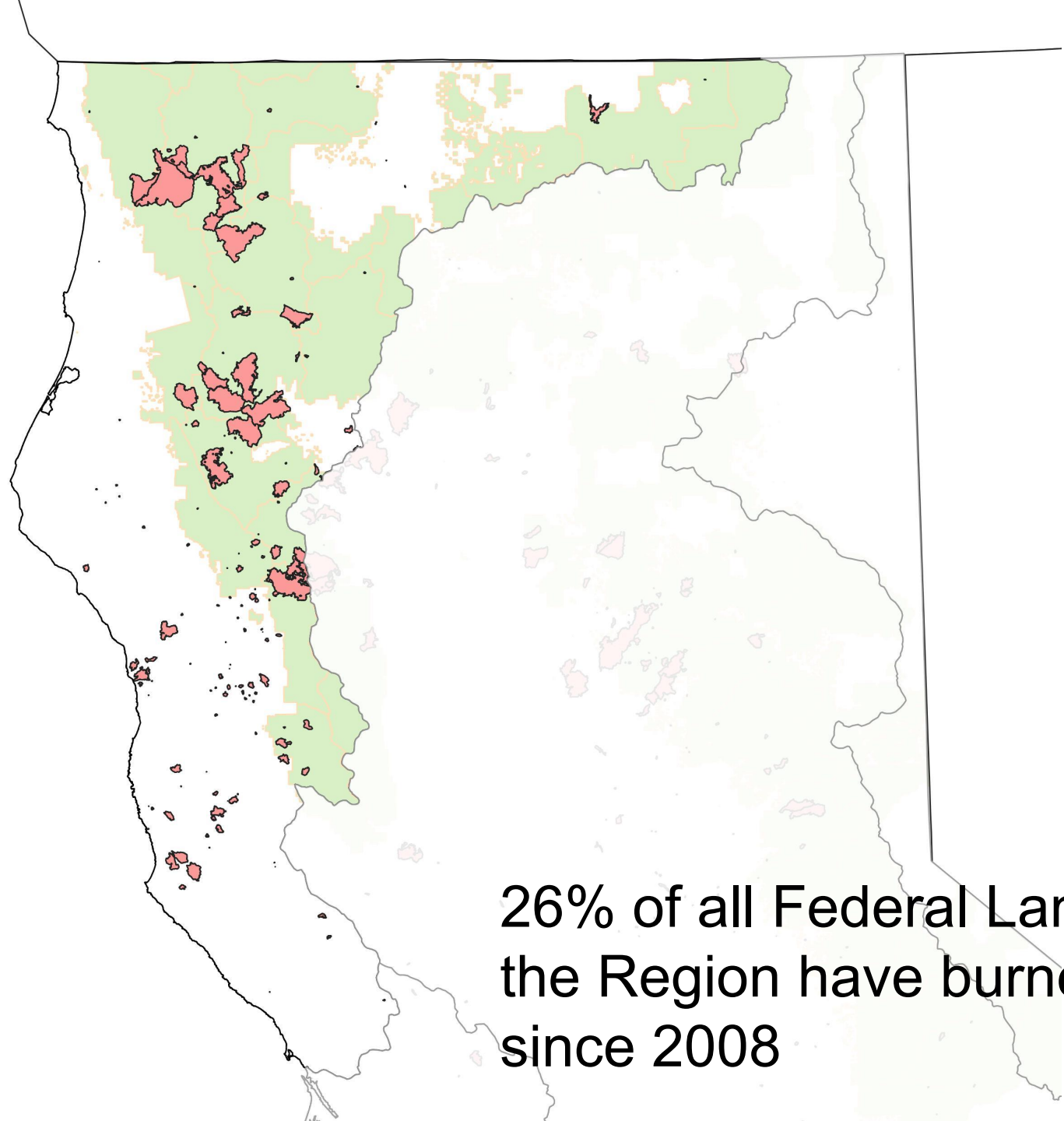
- Community and Private Property Protection
- Ridgetop Fuel Management Zones
- Controlled Burns
- Roadside Hazard Tree Removal



A photograph showing a dirt road winding through a landscape recovering from a fire. In the foreground, several charred, black tree trunks stand vertically. To the right, a red truck is driving away on the dirt road, kicking up a cloud of dust. The background features a hillside with a mix of green regrowth and remaining charred trees under a clear blue sky.

Post-Fire Recovery

2008



**Wildfires in the Region
2008 - 2018**

26% of all Federal Lands in
the Region have burned
since 2008

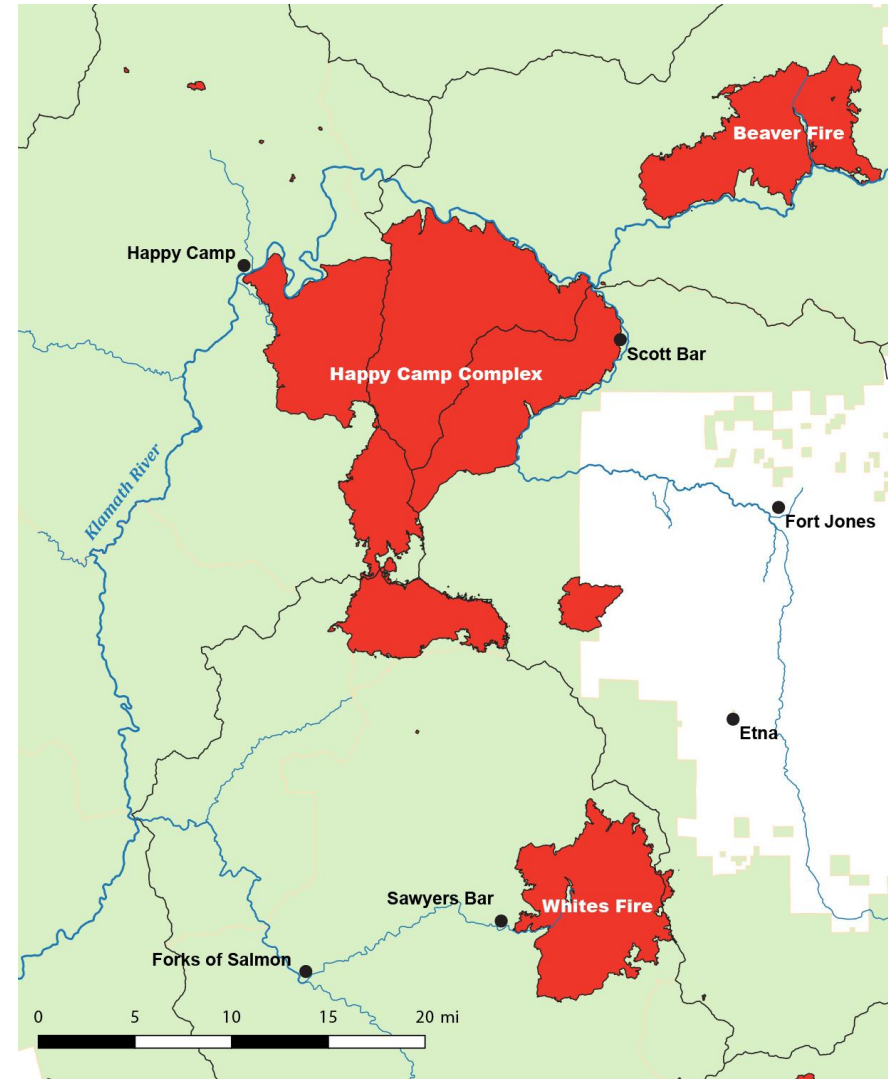
USFS Fire Recovery Projects

- Six Fire Recovery projects enrolled
 - ✓ Three National Forests
 - ✓ Mixture of fuels reduction and salvage
- Legacy sediment site treatment
 - ✓ Two alternative plans approved
 - ✓ Total of 501 sites scheduled for treatment



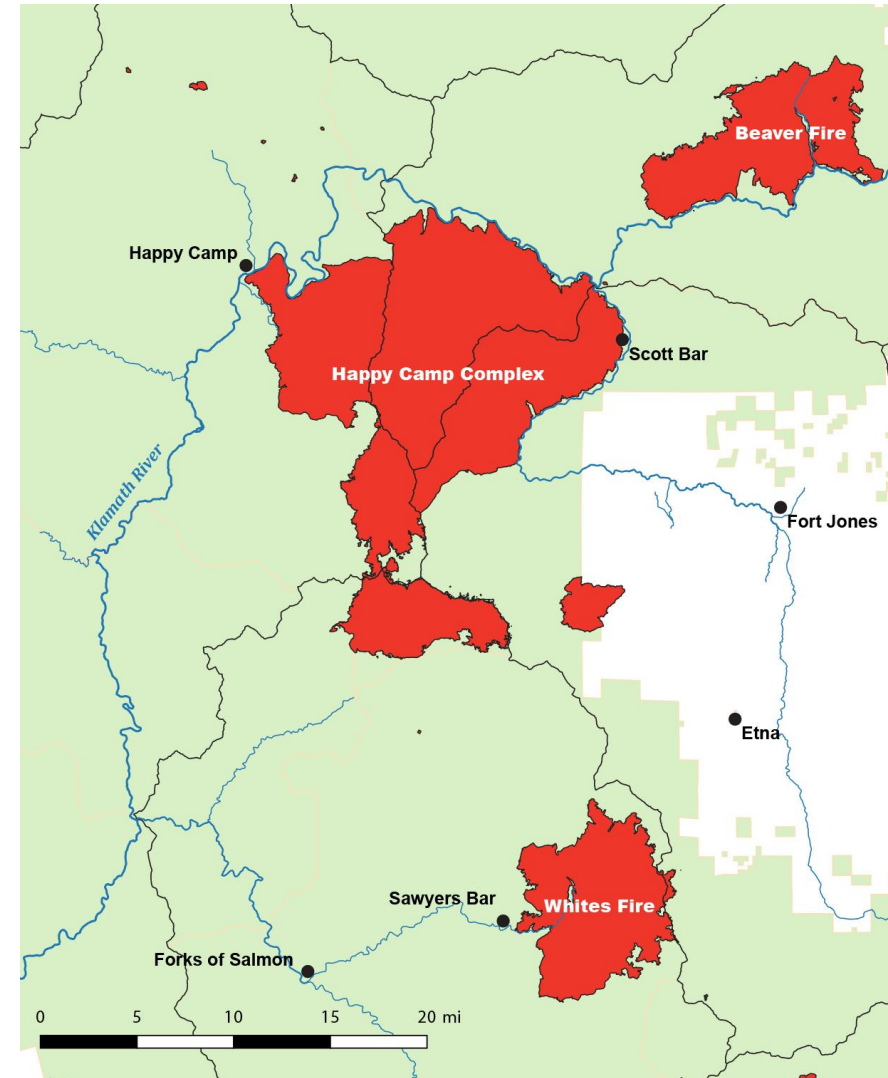
Example – Westside Fire Recovery Project


- 2014 Westside Fires
- 218,600 acre Project Area
 - ✓ 5,570 acres of proposed salvage harvest
 - ✓ 24,450 acres of fuels reduction
 - ✓ 310 miles of hazard tree removal



Example – Westside Fire Recovery Project

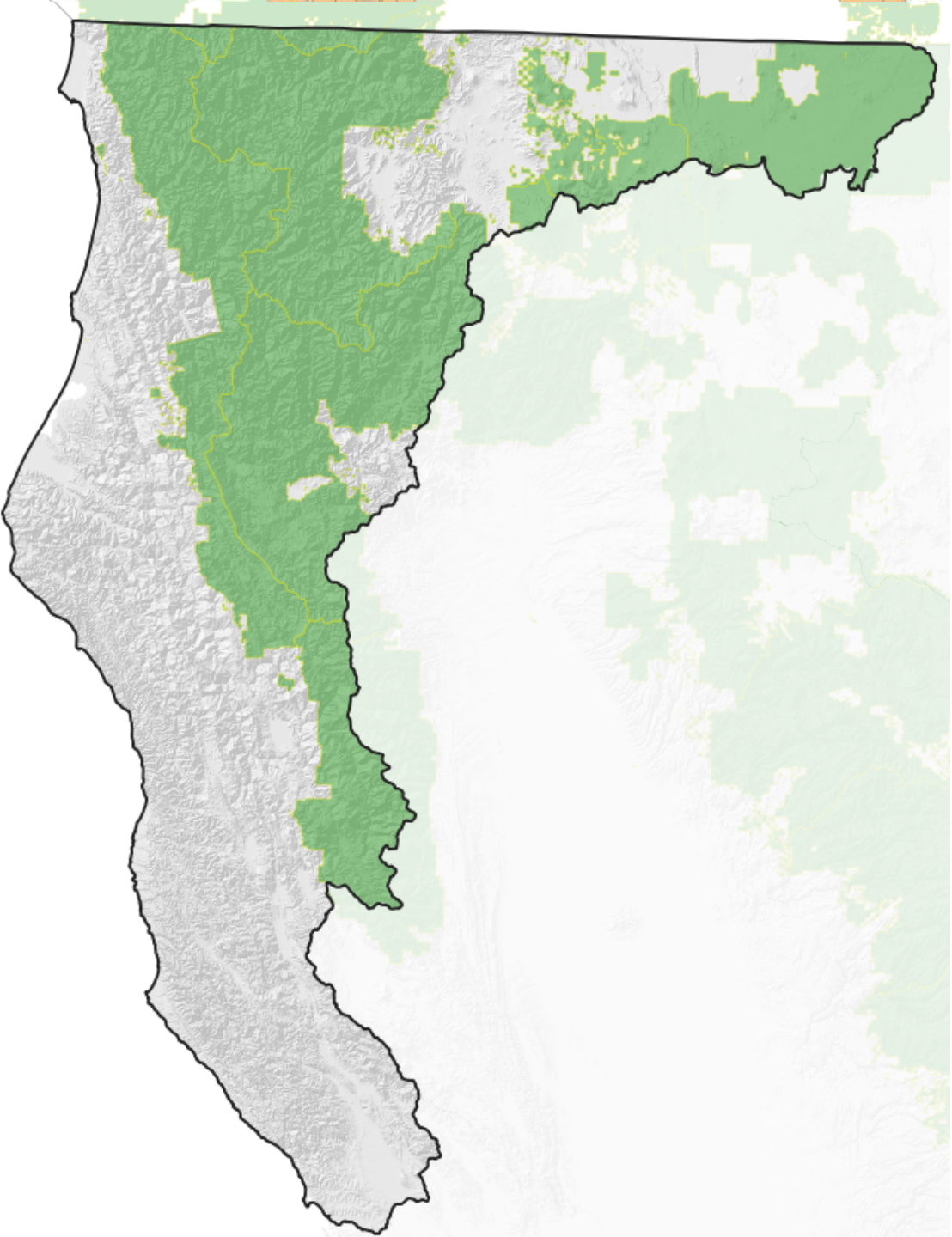
- Alternative Legacy Sediment Site Treatment Plan
 - ✓ 68 of the highest-risk sites scheduled for treatment
 - ✓ 19 sites scheduled to be treated by 2019
 - ✓ KNF has treated 18 sites
 - ✓ Estimated cost for treating the 18 sites: \$815,140





Grazing Allotment Management

USFS Grazing Allotments



Grazing Allotment Waiver Enrollment Process

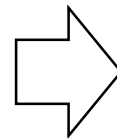
Agency Finalizes Grazing Permit & NEPA

USDA

United States Department of Agriculture
Forest Service

Lake Mountain and Middle Tompkins Grazing Allotment Management Plan Project Environmental Assessment

Oak Knoll and Scott River Ranger District, Klamath National Forest, Siskiyou County, CA
September 2016



Agency Submits Waiver Application

USDA United States Department of Agriculture Forest Service Klamath National Forest Supervisor's Office 1711 G. Main Street Yreka, CA 96097-9518 530-842-4136 TDD: 530-842-4275

File Code: 2530
Date: April 6, 2016.

Matthew St. John
Executive Officer
North Coast Regional Water Quality Control Board
5550 Skyline Blvd., STE. A
Santa Rosa, CA 95403-1072

Dear Mr. St. John:

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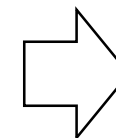
For further information please contact Greg Lantz at (530) 841-4534 or greg@rtd.fs.fed.us

Sincerely,

PATRICIA GRANTHAM
Forest Supervisor

Enclosures

Claring for the Land and Serving People



Allotment Enrolled Under Federal Waiver

Water Boards

North Coast Regional Water Quality Control Board

April 18, 2016

Ms. Patricia Grantham
Klamath National Forest
1711 South Main Street
Yreka, CA 96097

Dear Ms. Grantham:

Subject: 2015 Waiver Coverage - Klamath National Forest Westside Fire Recovery Project

File: USDA - Klamath National Forest

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To accomplish the Project's objectives, the U.S. Forest Service (USFS) proposes:

- 5,570 acres of salvage harvest within 6,890 acres of harvest units where fire-killed trees (snags) will be removed to reduce future fire risk and severity, and to provide for public and forest worker safety.

Grazing Allotment Monitoring



- Monitoring of Streambank, Riparian Vegetation and Wetlands/Wet Areas
- Annual Grazing Allotment Inspections
- Indicator Bacteria Sampling

Monitoring Question:

- ✓ Are grazing allotment BMPs protective of water quality?



Grazing Allotment Waiver Enrollment History

- 91 active allotments in the Region
- Zero allotments enrolled under the 2015 Federal Waiver
- 2 grazing allotments enrolled under 2010 Waiver

Why are so few allotments enrolled?

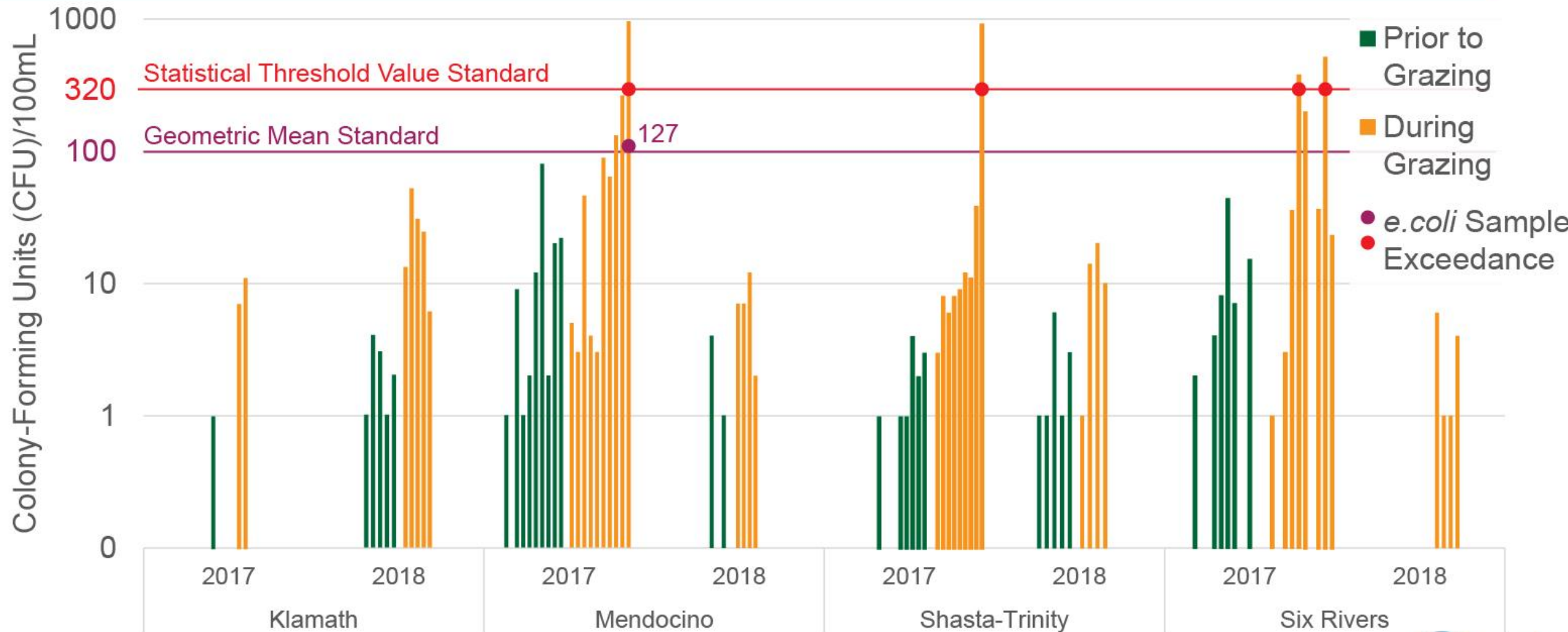
- ✓ Old Process – NEPA Schedule
- ✓ New Process – ?



Indicator Bacteria Sampling

- 10 samples per National Forest per year – 5 before grazing, 5 during grazing
 - ✓ 5 exceedances of the statewide e.coli objective during grazing in 2017
 - ✓ Zero exceedances in 2018
- Narrative Basin Plan Objective for indicator bacteria
 - ✓ *The bacteriological quality of waters of the North Coast Region shall not be degraded beyond natural background levels.*
- Conclusion
 - ✓ *E. coli* concentrations tended to increase after cattle turn-out dates

Average *E.coli* Sampling Results



Federal Agency Challenges to Managing Grazing Allotments

- Indicator bacteria sampling logistics
- Limited grazing staff
- Older grazing permits
- Lack of physical BMPs
- Prohibition on installation of Physical BMPs in wilderness allotments





Monitoring and Reporting Program

USFS Monitoring & Reporting Program

- Forest-Wide Monitoring
 - ✓ In-Channel
 - ✓ Road & Trail
 - ✓ Regional/National BMP Effectiveness
 - ✓ Post Fire
 - ✓ Sediment TMDL Compliance
- Project-Level Monitoring
 - ✓ BMP Implementation
 - ✓ BMP Effectiveness for Roads
 - ✓ Grazing Allotment Monitoring



Reporting Requirements

- Draft Allotment Monitoring Plans
 - ✓ Due March 1 each year
- Annual Reports
 - ✓ Due July 15 each year
- Five-Year Summary Report
 - ✓ Due April 15, 2020

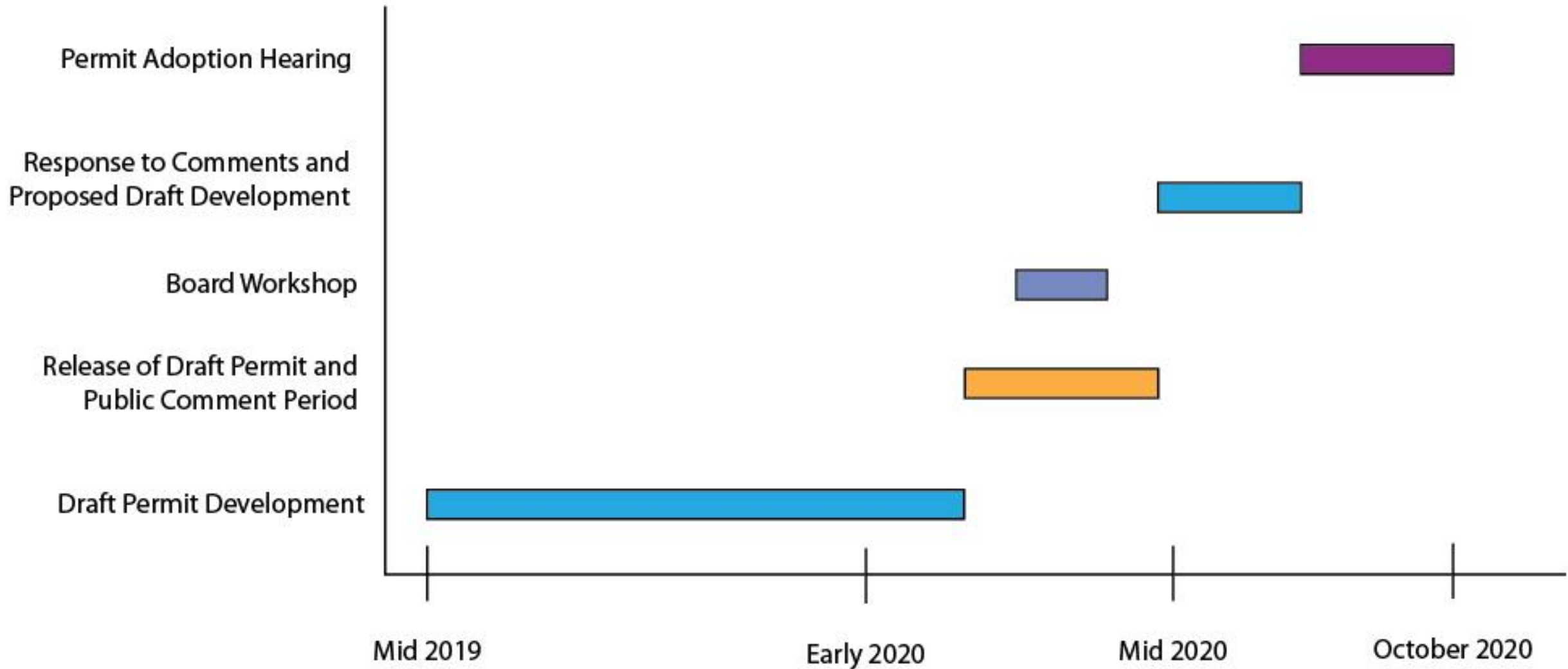
Annual Waiver Monitoring Report 2017
Monitoring and Reporting Program No. R1-2015-0021

Submitted to:
California Regional Water Quality Control Board
North Coast Region

July 2018

Submitted by:
U.S.D.A. Forest Service
Klamath National Forest
1711 S. Main St.
Yreka, CA 96097

Federal Permit Renewal Process





Potential Revisions

What Works Well

- Category A process
- Category B enrollment process
- Alternative legacy site treatment plans
- Trading of legacy sites



Areas of Potential Improvement

- Grazing allotment enrollment
- Grazing allotment monitoring
- A “path to 303 (d) delisting” for watersheds
- Lack of clarity of some monitoring and reporting requirements



Potential Revisions

- Revise approach to permitting Grazing Allotments
- Encourage watershed-level sediment reduction efforts
- Improve clarity of monitoring and reporting requirements

California Regional Water Quality Control Board
North Coast Region

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

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. The North Coast Region encompasses 12,434,700 acres (19,429 square miles). The United States Forest Service (USFS or National Forest) administers and manages approximately 5,099,078 acres (7,967 square miles) of National Forest System (NFS) lands within two USFS Regions and six National Forests, accounting for approximately 41 percent of the North Coast Region:
 - a. The USFS Region 5 (Pacific Southwest Region) manages the Modoc National Forest, Klamath National Forest, Shasta-Trinity National Forest, Six Rivers National Forest, and Mendocino National Forest (referred to cumulatively as National Forests), accounting for approximately 5,015,756 acres of the North Coast Region.
 - b. The USFS Region 6 (Pacific Northwest Region) manages the Rogue River-Siskiyou National Forest, accounting for approximately 83,322 acres of the North Coast Region.
2. The USFS manages NFS lands for multiple uses, which include activities such as grazing, forestry, recreation, vegetation management, and restoration. Activities associated with these uses may generate sediment, affect shade canopy, or influence other water quality parameters of waters of the state. This Waiver of Waste Discharge Requirements For Nonpoint Source Discharges Related to Certain Federal Land Management Activities on NFS Lands in the North Coast Region ("Waiver") addresses nonpoint source discharges of waste to waters of the state from activities associated with specific uses of NFS lands (also referred to as "nonpoint source activities") detailed in Finding No. 4.
3. The USFS's land management over a large portion of the North Coast Region provides a unique opportunity for comprehensive permit coverage that can provide more efficient protection of the beneficial uses of water by addressing temperature and sediment sources systematically across the landscape.

California Environmental Protection Agency



Today's Agenda

- RWB Staff Presentation – 30 minutes
- BLM Presentation – 15 minutes
- USFS Presentation – 45 minutes
 - ✓ Forest Service Fuels Treatment Goals and the Waiver
 - ✓ Restoration Work Completed for TMDL Compliance
 - ✓ Grazing Allotments and the Waiver
 - ✓ Recommended Changes to the 2020 Waiver

Questions?

Forest Fortescue
Engineering Geologist
Northern Nonpoint Source & Forestry Unit
Forest.Fortescue@waterboards.ca.gov
(707)576-2595