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Acting Secretary for  
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# State Water Resources Control Board

## Executive Office

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Edmund G. Brown Jr.  
Governor

### NOTICE OF AVAILABILITY FOR COMMENT AND NOTICE OF INTENT TO ADOPT

#### Draft Mitigated Negative Declaration and Draft Statewide Conditional Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board), as the lead agency, has released a Mitigated Negative Declaration (MND), including the Initial Study, for a waste discharge regulatory program for National Forest System (NFS) lands around the State. Pursuant to California Water Code Section 13269, the State Water Board will be considering adoption of the MND and a Conditional Waiver of Waste Discharge Requirements (Conditional Waiver) for certain activities on NFS lands. **The public review and comment period for the MND and Waiver is from June 10 until July 25, 2011.**

#### Background

The U.S. Department of Agriculture, Forest Service (USFS) manages the following national forests within California: Mendocino, Six Rivers, Klamath, Shasta/Trinity, Modoc, Plumas, Lassen, Tahoe, Lake Tahoe Basin Management Unit, Eldorado, Stanislaus, Sierra, Sequoia, Inyo, Cleveland, San Bernardino, Angeles, Los Padres, Rogue River-Siskiyou, and Humboldt-Toiyabe National Forests. The State Water Board is proposing adoption of a Conditional Waiver for the following activities on NFS lands statewide that could generate nonpoint source discharges: timber management, road management, range management, recreation (including off-highway vehicles), vegetation manipulation, fire suppression and fuels management, and watershed restoration.

In August 2009, the State Water Board adopted [Resolution 2009-0064](#) directing its staff to work with USFS and Regional Water Boards to establish a single statewide regulatory mechanism in lieu of the several Regional Water Board waivers that partially regulated activities on NFS lands. The State Water Board and USFS staff conducted a workshop to solicit public comment on November 30, 2009, and established and met several times with a multi-interest stakeholders' group. That process has resulted in the development of the Conditional Waiver and the very substantial strengthening of the USFS Water Quality Management Plan, which will be adopted as the USFS Water Quality Management Handbook (WQMH).

The Conditional Waiver covers the listed activities only to the extent that potential impacts can be reduced to less than significant through a combination of management practices specified in the WQMH, additional USFS guidance (e.g., the Watershed Improvement Program, the travel management rule, the Northwest Forest Plan, and the Sierra Nevada Forest Plan Amendments), and the conditions of the Waiver. The dominant purpose of the State Water Board action is to better maintain, protect and restore the quality and beneficial uses of water, and to clarify and facilitate USFS' compliance with water quality requirements.

## Determination

The MND describes and evaluates the potential environmental impacts associated with the Conditional Waiver. The MND establishes that there is no substantial evidence, in light of the whole record before the State Water Board, that the project may have a significant effect on the environment, with incorporated mitigation measures that will avoid or mitigate potential significant impacts. All of the mitigation measures needed to avoid or minimize potentially significant impacts are set out in the MND and incorporated into the Conditional Waiver's conditions.

## Document Availability

Electronic copies of the MND, Conditional Waiver, and USFS WQMH can be downloaded from the State Water Board website:

[http://www.swrcb.ca.gov/water\\_issues/programs/nps/wqmp\\_forests.shtml](http://www.swrcb.ca.gov/water_issues/programs/nps/wqmp_forests.shtml).

Hard copies of these documents may be requested from the State Water Board or may be viewed at the State Water Board offices at the address listed in the next section below. Please contact Gaylon Lee at (916) 341-5478 to make arrangements. A map and directions are available at: <http://www.calepa.ca.gov/EPABldg/location.htm>.

## Submission of Comments

Interested persons may submit their comments, evidence, and other material by email, fax, or hard copy. In order to be fully considered, written materials must be received by **12:00 noon on July 25, 2011**. **Email comments are encouraged**, but must be less than 15 MB total size.

All comment letters, regardless of the method of delivery, must have the following subject: **"Comment re: USFS Waiver"**.

E-mails should be addressed to: [ForestPlan\\_Comments@waterboards.ca.gov](mailto:ForestPlan_Comments@waterboards.ca.gov)

Faxes should be sent to: (916) 341-5808.

Written comments may be mailed or hand-delivered to the following address:

Gaylon Lee  
Division of Water Quality  
State Water Resources Control Board  
1001 I Street, 15th Floor  
Sacramento, CA 95814

All written comments will be posted online at:

[http://www.swrcb.ca.gov/water\\_issues/programs/nps/wqmp\\_forests.shtml](http://www.swrcb.ca.gov/water_issues/programs/nps/wqmp_forests.shtml).



## Future State Water Board Workshop and Hearing and Future Notices

A State Water Board Workshop for discussion of the Waiver and a public hearing for consideration of adoption of the MND and of the Waiver are expected to be scheduled over the summer and early fall. For future notices about the project, including the dates of the Board workshop and Board adoption hearing and other updates, interested parties must subscribe to the "Forested Lands Water Quality Plan" email list serve located at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml)

## Contact Information

Please direct questions to Gaylon Lee at (916) 341-5478 or email him at:

[ForestPlan\\_Questions@waterboards.ca.gov](mailto:ForestPlan_Questions@waterboards.ca.gov). Updates and additional information are also available at the project website at:

[http://www.swrcb.ca.gov/water\\_issues/programs/nps/wqmp\\_forests.shtml](http://www.swrcb.ca.gov/water_issues/programs/nps/wqmp_forests.shtml).

June 10, 2011

Date

*Jeanine Townsend*

Jeanine Townsend  
Clerk to the Board

