

From: "Tina Carlsen" <tcarlsen@tahoe.ca.gov>
To: <astanley@waterboards.ca.gov>
CC: "Judy Clot" <jclot@tahoe.ca.gov>, "Daylin Wade" <dwade@tahoe.ca.gov>, "T...
Date: 5/8/2009 4:14 PM
Subject: Lahontan 2009 Timber Waiver Comments

Andrea,

Thank you for this opportunity to provide comments on the Proposed 2009 Timber Waiver. Conservancy staff has reviewed the waiver and found it significantly improved from the earlier draft. In particular, the description of the Categories is substantially improved, removing much of the earlier confusion. However, there are a few areas we would like to see clarified. In particular, we would like more detail on how the Waiver will interact with the TRPA MOU. We would also like to see the document presented in a way which would make using the information in the Waiver more user-friendly as we plan our projects. Finally, we have some concerns with the perceived movement toward increased monitoring requirements in some instances. Our detailed comments are listed below.

We understand that some of our comments and concerns may be outside the scope of the Proposed Waiver. However, we thought it important to take this opportunity to make our concerns known to your agency. In general, we agree the Proposed 2009 Timber Waiver provides much needed flexibility and associated reduction in reporting and monitoring requirements for most of the categories and many of the treatment types. We thank your agency for its work in this area.

Regards

Tina

Tina M. Carlsen, PhD

Natural Resources Program Manager

California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150
Phone: (530) 543-6064

FAX: (530) 542-5567

Email: tcarlsen@tahoe.ca.gov <mailto:teisner@tahoe.ca.gov>

Specific Comments and Suggestions:

- * It would be useful to expand the Category Summary table on pages 2 and 3 so it could be used as a reference tool for a quick evaluation of potential projects.

- * It is still somewhat unclear what types of equipment use are covered under Category 1. Is it only vehicles and tractors? Is equipment use in a Waterbody buffer zone excluded under Category 1? Additionally, the description of equipment use in SEZ's or sensitive areas should be expanded to describe the evaluation protocols to be used. For example, will Lahontan require saturation / infiltration data and to what threshold levels will these data be compared?

- * Pg. 24, number 9: Should be changed to say that these operations can occur when soils are not saturated. It currently reads as if equipment use off road can occur within a WBZ when soils are saturated.

- * Any mention of broadcast burning has been omitted from Category 6. How must broadcast burning be handled?

- * For proposals for non-standard operations, is it possible to specify either specific monitoring protocols or a procedure that will allow Lahontan to evaluate potential impacts and yet allow the project to proceed? In short, are there opportunities to propose "study projects"? This may be out of the purview of this document, but we request Lahontan consider formalizing how such a process may go forward.

- * We appreciate that the monitoring program is much more directed than before. This new draft poses more specific questions and provides fairly straightforward forms, whereas it was difficult to determine what exactly needed to be provided to the water board under the 2007 waiver. However, some monitoring requirements appear to have expanded significantly from the 2007 Timber Harvest Waiver (Categories 4, 5 and 6). For example:
 1. Category 4: The daily winter monitoring inspection is brief but may become time consuming because of the need to be on site every day (the 2007 waiver only required an inspection following the winter operations...there was no daily, "safe-to-operate" inspection required).

This may not be very time-consuming, as it is only required when there is a chance of precipitation, but remains an unknown.

2. Categories 5 & 6: Forensic and effectiveness monitoring are now required for a project that has any winter operations involved, whereas under the 2007 waiver, only projects that included winter operations in an SEZ, or on high erosion hazard soils were required to do this extra monitoring. The same comment could be made about the daily winter monitoring for Category 6, though we could understand such a requirement if equipment is being used in an SEZ.

While we recognize Lahontan is now allowing more treatments in previously excluded areas (such as SEZs) we are concerned about the potential for additional paper work for many of our more straight forward projects in these categories. Also, this additional monitoring does not appear to be covered under the new TRPA checklist.

* It would be useful to expand the Monitoring Summary in Attachment P so that it could be used as a checklist. Consider including this attachment earlier in the document to minimize the confusion of first coming across so many monitoring attachments. It may also be helpful to mention the possibility of required forensic and effectiveness monitoring in the description of timber waiver categories for which they may apply. What is a significant snowmelt event that would trigger the need for forensic monitoring?

* Comments made during recent Tahoe Fire and Fuels Team meetings from TRPA and Lahontan staff make us concerned that monitoring requirements may additionally expand. This has the potential to impact project planning and preparation. We hope Lahontan considers this when working with TRPA on how to implement the MOU.

* It would be useful for the MOU between TRPA and Lahontan to be included as an attachment, so that we can better understand TRPA's responsibilities within each project category, and how TRPA plans to implement the requirements.

* Sporax is allowed and specified as approved in riparian zones whereas other herbicides are not allowed. However, please note that the MSDS (Material Safety Data Sheet) strongly recommends not to use this product near water bodies and/or riparian areas. It might be useful to explain your reasoning behind the allowed use of this product.