

From Don Rivenes

Specific Comments/Questions on various documents

2010 WQMP Intro Parts Comments

- 1) The typeface varies throughout the document making it difficult to read. Also, there is no page numbering for reference, so page numbers here refer to WORD pages.
- 2) From page 1: "This document is the Water Quality Management Plan (WQMP) for NFS lands for those portions of the Pacific Northwest Region, the Pacific Southwest Region and the Intermountain Region located within the State of California." There seems to be little reference to the Intermountain Region. Page 10 and 11 refer to the NWFP and the SNFPA and their associated forests but nothing about the southern forests.
- 3) An effort should be made to coordinate this Introduction with the North Coast Waiver to make sure references are consistent.
- 4) Page 6: Copies of the conditional waivers adopted by other regional boards for timber harvesting and grazing should be made available.
- 5) Page 6: The WQMP must show how the NPS Program Plan and NPS Policy conform to this WQMP. It should show how have the other recent changes been allowed for in this draft (points 1-7 page 6).
- 6) Page 9: "The Forest Service BMPs for NPS control need to be seen within the context of the overall process by which they are implemented (see Section -----), as well as the context of other related Forest Service programs for protecting and improving watersheds, riparian areas, and water quality." What section is this referring to?
- 7) Page 11: "The Northwest Forest Plan and the Sierra Nevada Framework Planning Amendment both include Aquatic Conservation Strategies." The WQMP must show how these are interfaced into this plan (also Intermountain forests).
- 8) Page 11: "The following spectrum of NPS activities was considered in developing this WQMP; those shown in bold were deemed to have the highest priority for immediate BMP updating, both by the public and agency staff." Even though other areas were not addressed, the current 2000 WQMP addresses them. Appropriate BMPs should a least be included and then revised later.
- 9) Page 12: "To employ a nested monitoring strategy involving different types of monitoring at different geographic scales." The WQMP must show how the Water Board will hold the Forest Service accountable for this strategy.
- 10) Page 13: "The text and references for each BMP will be updated as needed to reflect the most recent state-of-the art methods and techniques of BMP implementation and changes in Forest Service policy and direction." If this is the FS responsibility, the WQMP must indicate how the Water Board will review and approve these changes.

- 11) Page 13: "Three types of monitoring will be applied to BMPs: 1) statewide programmatic monitoring of BMP implementation and effectiveness, 2) instream BMP validation monitoring in a few selected watersheds, and 3) project-scale instream monitoring where water quality concerns are elevated (see Figure 2)." The WQMP must specify how will this monitoring be applied at the national forest level, and what will be the Regional Water Board's involvement.
- 12) Page 15: "The Forest Service will periodically review the need for changes in or additions to the BMPs, the BMP implementation processes." The WQMP must state how the Water Board will review these changes.
- 13) Page 24 Monitoring and the Monitoring Plan refer to Pacific Coast region only.
- 14) Page 26: "Because USFS resources are limited, monitoring will be restricted to a relatively small number of sites. Therefore, monitoring sites will need to be carefully selected to represent large landscapes within the national forest system." The WQMP must state how the other sites get reviewed, especially those that have been identified as High Aquatic Risk.
- 15) Page 26: "SCI surveys will be made at least once every 5 years and as soon as possible following major (RI>10 year) floods. Roughly 20% of the watersheds will be surveyed each year, on average." The WQMP must clearly define the survey protocols and how they relate to monitoring efforts?
- 16) Page 27: "Check with project administrator to verify discrepancies; Identify corrective actions in cooperation with project administrator;". The WQMP must define the project administrator, and what the penalty is for failures?

Template Waiver suggestions (based on the North Coast Waiver)

- 1) Point 2 should mention protection of fish and wildlife
- 2) Point 20 says it does not cover mining discharges and it should.
- 3) Point 14 does not mention birds and mammals as aquatic resources
- 4) Point 14 b refers to Watershed Analysis. Any waiver must include an update from the Forest Service on which watersheds in the Sierra have gone through such an analysis.
- 5) Point 14 c refers to Watershed Restoration. The waiver must require that the Forest Service provide an accounting as to what funds are committed to this and what timetables have been set up for completion of the priority restorations.
- 6) Point 16 refers to the MAA as a key agreement. Is an MAA to be maintained, and, if not, what replaces it?
- 7) Point 26 states: "USFS implementation of the TMDLs for the Scott and Salmon River watersheds is addressed in separate Memoranda of Understanding (MOUs) between the Regional Water Board and the USFS." MOUs for other Regional Water Boards must be identified and included.

- 8) Point 29 refers to legacy sites. Mining legacy problems causing water quality issues must be included in any remediation prioritizations. A timetable must be established for addressing remediation.
- 9) Point 30 refers to monitoring to make sure conditions are met. The restoration baseline that is desired should be specified. A penalty for non-compliance must be determined. A mechanism for informing the public of monitoring results must be established.
- 10) Point 32 states: "By regulating these discharges and activities under a general waiver, it simplifies and streamlines the regulatory process and allows Regional Water Board staff to focus its limited resources on working with the USFS to protect water quality." Conditions to be examined for renewing the waiver after 5 years must be specified.
- 11) Point 33 states: "BMPEP results from 2003-2007 show that 86% of BMPs were rated as implemented and that 89% of those were rated effective." There must be a mechanism stated for what is to be done about getting the other 14% implemented? If a randomly selected subset shows 14% not implemented, and 11% of those implemented were ineffective, a process for completion for compliance for the other BMPs that were not tested must be established.
- 12) Under point 38, the WQMP should specify how the Water Board will review the BAER techniques to see if they can be improved (type of retardants, restoration, etc.).
- 13) Point 40 states: "The probable environmental consequences of the emergency action and mitigation of environmental effects are taken into account to the extent practical." The WQMP must review these actions from time to time to see if they were practical (since NEPA is bypassed).
- 14) Under orders, point 16, standards should be determined for use in evaluation of the application of pesticides (i.e. Aerial application and penalties for misuse).
- 15) Under Orders, point 20 should cover non-point mining discharges.
- 16) On page 23 point 1, the NOI must be part of the public project notification.
- 17) On Page 24 Monitoring Requirements, penalty for non-compliance must be established. Macro-invertebrates should be monitored along with birds and mammals that use the watercourse or the surrounding vegetation.

Proposed BMP Priorities

- 1) Who determined these categories and detail items? They refer to the Condensed BMP ratings. Are these a draft or finalized?

Condensed BMP Ratings

- 1) How were these ratings determined? Is this the result of previous surveys? How would they prioritize new BMPs that might be proposed?
- 2) The color coding seems to bear no relation to the items that were selected for Proposed BMP priorities. For example, items 2-2, 2-7, 2-8, 2-9 and 2-

10 were ranked very high, and yet 2-1, 2-4 and 2-5 were given priority 1 and 2-8 and 2-9 were given priority 2.

Admin Improvement Priorities

- 1) How were these priorities determined? Are there other administration actions that should be included?
- 2) How do they propose to improve these processes? Will they report on progress? For example "Expedite processes for remediating problems found during post-project inspections". How do they propose to do this, and report back on results?
- 3) Will this improvement effort be funded? For example, "Improve map quality and detail in environmental documents (or online); provide larger-scale (i.e., 1:24,000) maps that show what will be done, how, and where." Who will do this? What environmental documents does this apply to? Whose responsibility is this (SWB staff or Forest Service)?