



California Regional Water Quality Control Board

Lahontan Region

Winston H. Hickox
Secretary for
Environmental
Protection

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Ex A2.



Gray Davis
Governor

December 2, 1999

Lucinda J. McKee
Acting Assistant Forest Supervisor
White Mountain Ranger Station
798 North Main Street
Bishop, CA 93514

Dear Ms. McKee:

COMMENTS ON ENVIRONMENTAL ASSESSMENT FOR COTTONWOOD AND TRES PLUMAS GRAZING ALLOTMENTS, MONO COUNTY

Staff of the California Regional Water Quality Control Board, Lahontan Region (RWQCB) have reviewed the above-referenced environmental assessment (EA). The EA evaluates four alternatives for managing the Cottonwood and Tres Plumas grazing allotments, located on National Forest System lands in the White Mountains east of Bishop. Both allotments have been closed to grazing since 1994 due to poor watershed conditions resulting in large part from past livestock grazing practices.

Alternative A would continue the status quo of no grazing within the project area. Alternative B would authorize standard levels of grazing on several units of the Cottonwood and Tres Plumas allotments, while deferring decisions on grazing of the remaining units pending future monitoring and assessment. Alternative C would authorize grazing of cattle within all units of the two allotments. Alternative D would allow grazing only within the Deadhorse Unit of the Cottonwood allotment.

General comments

Major considerations in this planning process are the "damaged" condition of the watersheds, and the presence of a very significant population of Paiute cutthroat trout (*Oncorhynchus clarki seleniris*) in the Cottonwood Creek drainage. The Paiute cutthroat trout (PCT) is listed as "threatened" under the federal Endangered Species Act, and the maintenance of a thriving population of PCT within the Cottonwood Creek drainage is considered essential to the survival of this species. In addition, because the main population of PCT at Silver King Creek (in Alpine County) has declined to very low levels (62 fish, of which only 16 were adults, in 1998), the Cottonwood Creek population may be needed as a source of transplants if this species is to survive. However, the export of PCT from the Cottonwood Creek population has not been possible because that population remains below levels viewed as safe for harvest of exports. The population of PCT at Cottonwood Creek has been limited by degraded habitat conditions, drought, and failure to implement measures to expand the range of favorable habitat as called for in the current recovery plan for this species.

Specific comments

1. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains the water quality standards applicable to this project. The Basin Plan contains beneficial use designations and water quality objectives for parameters including, but not limited to, sediment, turbidity, temperature, bacteria, biostimulatory substances, and taste & odor. The EA concludes (pp. 34-35) that water quality will decline under Alternatives B and C, yet it does not disclose the specific water quality parameters that will be affected, or the magnitude of the impacts. The EA therefore contains insufficient analyses and disclosure to ascertain whether Alternatives B and/or C could achieve compliance with the water quality objectives contained in the Basin Plan. For example, the EA states (p. 30) that: *"Impacts to water quality from grazing and livestock movement can include...increased water temperature from a concurrent loss of riparian vegetation and shade."* In contrast, the Basin Plan states, in part, that for waters designated "COLD" (which includes all surface waters in the project area), the temperature shall not be altered. This is only one example of how alternatives B and C pose the potential to violate State water quality standards. Because the EA concludes that water quality will decline under alternatives B and C, detailed analyses would be needed before those alternatives could proceed under the Management Agency Agreement (MAA) between the U.S. Forest Service and the State Water Resources Control Board. Such analyses would necessarily include, but not be limited to, a comparison of the project's expected effects to each applicable State water quality standard.
2. In addition to the beneficial use designations and parameter-specific water quality objectives, the Basin Plan also contains a Nondegradation Objective (i.e., State Water Resources Control Board Resolution No. 68-16), as required by USEPA regulations implementing the federal Clean Water Act (40 CFR Section 131.12). The Nondegradation Objective requires that whenever the existing quality of water is better than the quality of water established in the Basin Plan as objectives (both narrative and numerical), such existing quality shall be maintained unless appropriate findings are made under the policy. One required finding is that any change in water quality must be consistent with the maximum benefit of the people of the State. The EA does not present the required findings to justify the decline in water quality expected under alternatives B and C.
3. The EA states (p. 7) that monitoring will be conducted according to the U.S. Forest Service's BMP Evaluation Program (BMPEP). The BMPEP is inadequate for any of the action alternatives (i.e., Alternative B, C, or D) for several reasons: (a) The BMPEP relies on visual observations and ocular estimates to arrive at conclusions regarding BMP effectiveness. The BMPEP's instream component, which was envisioned to 'link' the visual observations to instream water quality, has never been implemented by the USFS. Therefore, the BMPEP lacks the ability to objectively verify the USFS's assertion that visual observations of BMP effectiveness indicate attainment of State water quality standards; (b) The BMPEP selects monitoring

locations at random from a small percentage of USFS projects throughout California, and there is no guarantee that any BMPEP sites will actually be selected within this project area; (c) The BMPEP has demonstrated relatively low rates of BMP implementation and effectiveness for rangeland grazing BMPs, indicating a need for more rigorous monitoring at degraded sites and/or sites with extraordinary resource values; and (d) This project area contains extraordinary resource values (i.e., a population of Paiute cutthroat trout deemed crucial to the survival of the species), and, according to the EA, many degraded areas for which past intensive mitigation efforts have failed or been only partially successful. As stated in the EA, the exceptionally dry climate coupled with the high elevation also results in lower productivity sites that are naturally at higher risk to disturbance since they have less ground cover and organic matter to stabilize surface soils. For all of these reasons, the EA should be supplemented to include a detailed monitoring plan if any of the action alternatives are selected. Without such a monitoring plan, there would be no assurance that State water quality standards will be attained.

Summary and conclusions

Alternative A would provide the best protection for water quality and the best opportunity for recovery of the Paiute cutthroat trout. Under Alternative B, water quality will decline, recovery of several degraded watershed areas would be delayed or unrealized due to the reintroduction of livestock into degraded areas, and the survival of the Paiute cutthroat trout could be jeopardized by reducing habitat quality for the existing PCT population and reducing the probability for successful expansion of habitat for pure PCT. Under Alternative C, water quality will decline, the recovery of most or all degraded areas will be delayed or unrealized due to the reintroduction of livestock into all units of both allotments, and the survival of the Paiute cutthroat trout could be jeopardized by impacting habitat of the current population of PCT as well as reducing the probability of success of efforts to expand the habitat for the Cottonwood Creek PCT. Under Alternative D, most or all potential impacts to the PCT would be avoided, and livestock grazing would be authorized only in areas where watershed condition appears to be currently stable. Alternative D would, however, allow "trailing" of cattle through areas that are key PCT habitat, and the potential for trespass of cattle into PCT habitat areas would remain.

Alternative A (continued rest from grazing) may be implemented pursuant to the MAA. It is my determination that Alternatives B and C cannot proceed under the MAA without further detailed analyses (and specification of BMPs, including monitoring) sufficient to demonstrate that compliance with State water quality standards will be achieved. If your agency decides to pursue Alternative B or C, we may require the submittal of a formal report of waste discharge (and filing fees) under authority contained in the California Water Code. Our decision whether to formally regulate the project would then depend on information contained in the report of waste discharge. Alternative D may proceed under the MAA without further pre-decisional review by our agency provided that the EA (or

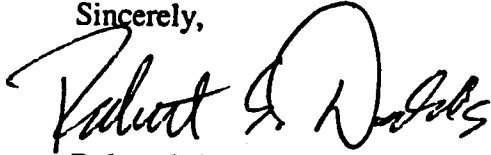
Ms. McKee

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Decision Notice) is supplemented to incorporate an adequate monitoring plan that can objectively demonstrate compliance with State water quality standards.

We look forward to working with you and your staff as you plan your project to protect water quality. Please call Tom Suk at (530) 542-5419 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Dodds". The signature is fluid and cursive, with a large initial "R" and "D".

Robert S. Dodds
Assistant Executive Officer

cc: Ken Harris, Non Point Source Program Manager, DWQ-SWRCB
Darrell Wong, Calif. Dept. of Fish and Game/Bishop
Hisam Baqai/Victorville Office

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[USFS, General]