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Comment re: USFS Waiver

The following is one of my comments concerning the “*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*”.

1. Lack of Authority ;

The Coast Zone Act Reauthorization Amendments do not empower the State Water Resources Control Board the authority inland beyond “*The zone extends inland from the shorelines only to the extent necessary to control shore lands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise.*”

(Coastal Zone Management Act of 1972 as amended through Pub. L. No. 109-58, the Energy Policy Act of 2005, 16 U.S.C. § 1453. Definitions (Section 304).

http://www.swrcb.ca.gov/water_issues/programs/nps/docs/wqmp_frsts/atta.pdf

Attachment A

Conformance with Nonpoint Source Program Plan and Policy

(page 1 footnote)

“Although CZARA applies only to the Coastal Zone, the State agencies decided to extend its application beyond the Coastal Zone, so that the State would have only one set of statewide NPS requirements.”

Comment:

The statement in the above footnote carries no legal authority as that authority is NOT contained in California legislation. Therefore, CZARA can only be applied to waters that are within the Coastal Zone. Direct and significant impact to the Coastal Zone MUST be proven before CZARA can be applied.

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Thank you for considering my comment
Bruce Brazil