

Lake Elsinore & San Jacinto Watersheds Authority



City of Lake Elsinore • City of Canyon Lake • County of Riverside
Elsinore Valley Municipal Water District • Santa Ana Watershed Project Authority

November 16, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Comment re: USFS Waiver

Dear Ms. Townsend:

The Lake Elsinore and Canyon Lake Nutrient TMDL Task Force (Task Force), a coalition of over 20 agencies within the San Jacinto watershed working together to assure TMDL compliance, wishes to express our comments and concerns with a proposed State Water Resource Control Board, Waiver of Waste Discharge Requirements for US Forest Service related to NPS discharges in California. Since the formation of the TMDL Task Force in 2004, the US Forest Service (USFS), as one of the named responsible parties for TMDL compliance by the Santa Ana Regional Board, has worked with other task force agencies to assure TMDL deliverables were completed on time and within budget. These deliverables include water quality monitoring, lake and watershed modeling and studies. With TMDL compliance deadlines quickly approaching, the USFS and other stakeholders in San Jacinto watershed process are at an important juncture in the process, requiring the involvement of all responsible parties as commitments are made to implement projects designed to achieve compliance with the nutrient TMDL for Canyon Lake and Lake Elsinore.

Over the past five years, recognizing the importance of participating in TMDL compliance, the USFS has worked with other task force agencies as a Task Force signatory in providing important interim TMDL deliverables to the Regional Board. In recognition of budget and funding restrictions, the USFS provided in-kind support to the Task Force through stormwater monitoring and lab analysis at a key monitoring location downstream of Forest lands draining to the two lakes. However, the vast majority of the necessary funding for the past lake and watershed monitoring, studies and models was paid by other TMDL parties, amounting on average \$800,000 per year. By the USFS's participation in conducting in-kind monitoring and analysis support, the USFS along with all other Task Force agencies were assured compliance with the required interim Regional Board TMDL deliverables.

Under the proposed State Board waiver, the USFS annual support to the Task Force of in-kind stormwater monitoring and analysis for LE/CL TMDL monitoring compliance will be jeopardized and any potential funding or in-kind support from the USFS for actual implementation projects in the lakes or watershed that assure TMDL compliance would

be considered unlikely. These data and the participation of the USFS in future implementation are of key importance to the future water quality improvement at Lake Elsinore and Canyon Lake.

Under Section 32 of the proposed waiver, it states that “compliance with the conditions of this Waiver satisfy USFS’s obligations toward compliance with the implementation requirements for TMDLs in which it is named, unless the applicable Regional Water Board notifies the USFS otherwise in writing”. The Task Force requests that the portion of Section 32 that is underlined be revised to indicate “unless the USFS has been named a responsible TMDL party prior to this Waiver”. If this change cannot be made, the Task Force will notify the Regional Board of the need for the USFS’s continued support of TMDL compliance through funding or in-lieu services of TMDL requirements and will request that a letter to this effect be sent to the USFS. If the USFS withdraws from its involvement in the Task Force because of the new State Board waiver, we believe progress on TMDL compliance will be seriously compromised. We are hopeful, as a Task Force dedicated to TMDL compliance and water quality improvement at both lakes, that the USFS can remain a valuable partner with other stakeholders throughout the watershed in achieving this goal.

Thank you for your consideration. If you have any questions or concerns regarding these comments, please contact me at 951-354-4221.

Respectfully submitted,



Mark R. Norton P.E., LEED AP
LE/CL TMDL Task Force Administrator

Cc: Jason Uhley, Riverside County Flood Control District
Ron Young, Elsinore Valley Municipal Water District
Pat Boldt, Western Riverside County Agricultural Coalition
Joanne Schneider, Regional Board
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Kurt Berchtold, Regional Board