CALIFORNIA
Water Boards

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By

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State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND NOTICE OF INTENT TO ADOPT

Draft Statewide Conditional Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California

NOTICE IS HEREBY GIVEN that:

1. The State Water Resources Control Board (State Water Board) is circulating for public comment a revised draft Statewide Conditional Waiver of Waste Discharge Requirements (Revised Draft Statewide Waiver) for Nonpoint Source Discharges Related to Certain Activities on National Forest System (NFS) Lands in California. **Public comments for the Revised Draft Statewide Waiver must be received by 12:00 noon on November 21, 2011. Comments shall address only revisions to the Draft Statewide Waiver reflected in redline in the documents.**

2. The State Water Board will consider adoption of the revised Draft Statewide Waiver and of a supporting Mitigated Negative Declaration (MND). The adoption meeting will be held at the following time and location:

Tuesday, December 6, 2011, at 9:00 a.m.
in the
Coastal Hearing Room
Joe Serna Jr./Cal/EPA Headquarters Building
1001 I Street, 2nd Floor
Sacramento, CA 95814

The State Water Board provided notice of its intent to adopt the MND on June 10, 2011 and allowed an extended 76 day comment period. Limited revisions have been made to the Initial Study and MND in response to comments received. The State Water Board has determined that the revisions clarify, amplify, or make insignificant modifications to the Mitigated Negative Declaration and do not require recirculation under California Code of Regulations, title 14, section 15073.5. The revisions are expected to be posted on or about November 14, 2011, on the State Water Board program web site:
http://www.swrcb.ca.gov/water_issues/programs/nps/wqmp_forests.shtml.
The State Water Board will not be accepting additional comments on the Initial Study/MND.

Prior to the adoption meeting, a Response to Comments on significant environmental comments received on the Draft Statewide Waiver and the Initial Study/MND will be posted on the State Water Board program web site given above.

Background

The U.S. Department of Agriculture, U. S. Forest Service (USFS) manages the following national forests within California: Mendocino, Six Rivers, Klamath, Shasta/Trinity, Modoc, Plumas, Lassen, Tahoe, Lake Tahoe Basin Management Unit, Eldorado, Stanislaus, Sierra, Sequoia, Inyo, Cleveland, San Bernardino, Angeles, Los Padres, Rogue River-Siskiyou, and Humboldt-Toiyabe National Forests. The State Water Board is proposing adoption of a Conditional Waiver for the following activities on NFS lands statewide that could generate nonpoint source discharges: timber management, road management, range management, recreation (including off-highway vehicles), vegetation manipulation, fire suppression and fuels management, and watershed restoration.

In August 2009, the State Water Board adopted Resolution 2009-0064 directing staff to work with USFS and Regional Water Quality Control Boards (Regional Water Boards) to establish a single statewide regulatory mechanism in lieu of the several Regional Water Board waivers that partially regulated activities on NFS lands. The State Water Board and USFS staff conducted a workshop to solicit public comment on November 30, 2009, and established and met several times with a multi-interest stakeholders' group. That process has resulted in the development of the Conditional Waiver and the very substantial strengthening of the USFS Water Quality Management Plan, which will be adopted as the USFS Water Quality Management Handbook (WQMH).

The Conditional Waiver covers the listed activities only to the extent that potential impacts can be reduced to less than significant through a combination of management practices specified in the WQMH, additional USFS guidance (e.g., the Watershed Improvement Program, the travel management rule, the Northwest Forest Plan, and the Sierra Nevada Forest Plan Amendments), and the conditions of the Waiver. The dominant purpose of the State Water Board action is to better maintain, protect and restore the quality and beneficial uses of water, and to clarify and facilitate USFS' compliance with water quality requirements.

The State Water Board previously circulated the Initial Study/MND and the Draft Conditional Waiver for public comment on June 5, 2011, and the public comment period closed on August 24, 2011. The State Water Board subsequently held a public workshop to receive additional comments on September 20, 2011. The MND establishes that there is no substantial evidence, in light of the whole record before the State Water Board, that the project may have a significant effect on the environment, with incorporated mitigation measures that will avoid or mitigate potential significant impacts. All of the mitigation measures needed to avoid or minimize potentially significant impacts are set out in the Initial Study/MND and have been incorporated into the Statewide Waiver's conditions. The Draft Statewide Waiver and the Initial Study/MND have both been revised in response to the comments received.

Document Availability

Electronic copies of the Revised Draft Statewide can be downloaded from the State Water Board website: http://www.swrcb.ca.gov/water_issues/programs/nps/wqmp_forests.shtml. Hard copies of these documents may be requested from the State Water Board or may be viewed at the State Water Board offices at the address listed in the next section below. Please contact Gaylon Lee at (916) 341-5478 to make arrangements. A map and directions are available at: http://www.calepa.ca.gov/EPABldg/location.htm.

Submission of Comments

Interested persons may submit their comments, evidence, and other material relevant to the Revised Draft Statewide Waiver by email, fax, or hard copy. In order to be fully considered, written materials and all other evidence (including photos) must be received by **12:00 noon on November 21, 2011**. **Email comments are encouraged,** but must be less than 15 MB total size. Comments shall address only revisions to the Draft Statewide Waiver as indicated in redline.

All comment letters, regardless of the method of delivery, must have the following subject line: **"Comment re: USFS Waiver."** Written comments may be mailed or hand-delivered to the following address:

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

Written comments submitted via email should be addressed to Ms. Townsend at: commentletters@waterboards.ca.gov. Faxes should be sent to: (916) 341-5620.

All written comments will be posted online at: http://www.waterboards.ca.gov/public_notices/comments/index.shtml#2011.

Procedural Matters

At the Board Meeting, there will not be sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. Participants will be given an opportunity to summarize and supplement their written materials with oral presentations, which shall be limited to the revisions to the Draft Statewide Waiver. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time-limited.

Parking and Accessibility

For directions to the Joe Serna, Jr. (Cal/EPA) Building and public parking information, please refer to the map on the State Water Board's Web site at: http://www.calepa.ca.gov/EPAbldg/location.htm.

The Cal/EPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting. TDD users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

A broadcast of the meeting will be available via the internet and can be accessed at: http://www.calepa.ca.gov/broadcast/.

All visitors to the Cal/EPA Building are required to sign in and obtain a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

Future Notices

To receive future notices about the project, interested parties must subscribe to the "Forested Lands Water Quality Plan" email list serve located at:
http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

Contact Information

Please direct questions to Gaylon Lee at (916) 341-5478 or email him at:
ForestPlan_Questions@waterboards.ca.gov.

Updates and additional information are also available at the project website at:
http://www.swrcb.ca.gov/water_issues/programs/nps/wqmp_forests.shtml.

November 4, 2011
Date

Jeanine Townsend
Jeanine Townsend
Clerk to the Board