

---

## North Coast Regional Water Quality Control Board

April 19, 2016

Ms. Patricia Grantham  
Klamath National Forest  
1711 South Main Street  
Yreka, CA 96097

Dear Ms. Grantham:

Subject: 2015 Waiver Coverage – Klamath National Forest Westside Fire Recovery Project

File: USDA – Klamath National Forest

On April 6, 2016, the North Coast Regional Water Quality Control Board (Regional Water Board) received a revised Category B Application (Revised Application) and Notice of Intent from the Klamath National Forest (KNF) requesting coverage for the Westside Fire Recovery Project (Project) under Order No. R1-2015-0021 (2015 Waiver).

The Project was developed in response to landscape-level changes to forested habitat resulting from the 2014 wildfires on the KNF. Severe drought and extremely dry fuel conditions made the 2014 fire season one of the worst in the history of the KNF. The Beaver Fire, Happy Camp Complex Fire, and Whites Fire burned a total of 183,127 acres, including 162,264 acres of National Forest System land and 20,863 acres of private land. The Project area comprises 218,600 total acres, including 187,100 acres of National Forest System land and 31,500 acres of private land. The Project proposes to: 1) reduce safety hazards to the public and forest workers from falling trees or hazardous fuel conditions; 2) obtain the maximum economic commodity value from burned timber; and 3) promote ecosystem sustainability by increasing the likelihood and speed by which burned forested areas are regenerated.

To accomplish the Project's objectives, the U.S. Forest Service (USFS) proposes:

- 5,570 acres of salvage harvest within 6,890 acres of harvest units, where fire-killed trees (snags) will be removed to reduce future fire risk and severity, and to provide for public and forest worker safety;

- 4,200 acres of estimated roadside hazard treatments (i.e., snag removal) along approximately 320 miles of USFS system roads, state highways, and county roadways;
- 24,450 acres of hazardous fuels treatments (including strategic fuel breaks and treatments within a quarter mile of private property structures and other infrastructure);
- 12,700 acres of reforestation (site preparation, planting, and release) designed to accelerate the restoration of forest habitat; and
- an alternative legacy site treatment plan that will treat 68 road-related sediment sites within the project area, including sites with the highest potential to produce sediment in each 6<sup>th</sup> field watershed.

The Revised Application reflects numerous additions and changes made to ensure water quality protection to the extent possible. The concerns expressed by Regional Water Board staff in letters to KNF dated April 27, 2015, November 13, 2015, and March 16, 2016 have been adequately addressed, including the alternative legacy sediment site treatment plan in compliance with 2015 Waiver, Category B, Condition 3. The legacy sediment site treatment plan is an important condition for compliance for established Total Maximum Daily Loads (TMDLs) within National Forest boundaries. In addition, the Revised Application reduces salvage harvest from 11,700 acres to 5,570 acres; reduces salvage harvest on geologic riparian reserves from 3,900 acres to 2,000 acres; reduces the length of new temporary roads from 21.9 to 12.7 miles; and reduces the length of roadside hazard tree removal from 650 miles to 320 miles. Design features incorporated into the Project for enhanced water quality protection include, but are not limited to:

- increased acreage of tree planting in geologic riparian reserves to reestablish conifer cover and reduce probability of sediment delivery to streams from landslides;
- hand treatments in riparian reserves that will increase ground and soil cover, and sediment retention capacity, thereby reducing erosion and sedimentation from areas that burned at high severity; and
- at the project's conclusion, landings, hydrologically connected temporary roads, and reopened decommissioned roads within riparian reserves will be covered with 80 percent effective soil cover.

The 2015 Waiver includes specific findings and provisions that apply to fire recovery activities, including nonpoint source discharges from National Forest System land that result from emergency actions (emergency exemption), as defined in California Code of Regulations, title 14, section 15269. Portions of the Project qualify for the emergency exemption and meet the emergency descriptions under California Code of Regulations, title 14, section 15269.

The emergency exemption covers “[p]rojects to maintain, repair, restore, demolish, or replace property of facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act [commencing with Government Code section 8550].” (Cal. Code Regs., tit, 15, § 15269, subd. (a).) On August 2, 2014, Governor Edmond G. Brown Jr. issued a state of emergency proclamation for areas affected by wildfires that burned during the summer of 2014, including the fires in the Project area. In addition,

short term Project components include emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare (Cal. Code Regs., tit, 15, § 15269, subd. (b)) and can also be characterized as specific actions necessary to prevent or mitigate an emergency (Cal. Code Regs., tit, 15, § 15269, subd. (c)). The Project includes measures designed to minimize disturbance to riparian reserves (including roads and landings), avoidance measures (wet weather restrictions, road treatments, slash pile placement, etc.), and additional water quality protection measures.

As explained in the 2015 Waiver, extreme drought conditions have persisted in the State, increasing the risk and occurrence of wildfires. Lightning storms and high temperatures have further increased this risk, severity, and the spread of additional wildfires. High severity wildfires result in the loss of significant vegetation, canopy, and root strength, and increased hydrophobic soils, and can lead to adverse impacts to water quality through increases in erosion, landslide frequency, sediment yield, turbidity, peak flows and flooding, temperatures, and various chemical parameters. Timely management can help to mitigate these impacts. For example, timely installation of erosion control, appropriately sized drainage structures, and critical dips can help mitigate impacts. Additionally, it is necessary to remove hazard trees to protect the public and agency personnel, and salvage dead and dying trees, with subsequent replanting to accelerate forest restoration.

Pursuant to 2015 Waiver section C. 4: "Subject to Category B Waiver Application Procedures No. 3, if the Waiver Application is complete, the Executive Officer shall accept or deny in writing within 30 days from its receipt of the Waiver Application." After reviewing the application materials for completeness and compliance with 2015 Waiver eligibility requirements and conditions, it has been determined that the Revised Application is complete and the Project is eligible for coverage under Category B of the 2015 Waiver. The Regional Water Board staff appreciates the USFS' cooperation and effort to make modifications to the Project for water quality protection. This letter hereby informs you of your enrollment and Project activities may now commence. We urge you to review the 2015 Waiver and familiarize yourself with its provisions. The 2015 Waiver, Monitoring and Reporting Program, and pertinent forms are available for review and can be downloaded at the following web address:

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/timber\\_operations/timber\\_waiver/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/timber_operations/timber_waiver/)

If you have any questions, please call Forest Fortescue of our staff at (707) 576-2595 or Dean Prat at (707) 576-2801.

Sincerely,

Matthias St. John  
Executive Officer