

# Forest Activities Program

## Statewide Background

# Other Agencies, U.S. Forest Service

- Administers  $\geq 20.8$  ma of NFS lands in CA  
 $\approx 15.6$  ma productive timberland.
- Has mandates for multiple-use land and resource management.
- High-quality water
  - The most valuable commodity from NFS lands
  - Among the highest USFS environmental priorities.

# NPS-generating activities on NFS lands

- Include:
  - Timber and rangeland management
  - Roads (construction, use, maintenance and decommissioning)
  - Mining
  - Recreation (low-impact and high-impact)
  - Off-highway vehicles
  - Fire suppression and fuels management
- Only timber harvesting currently under WDRs or waiver policies.

# Forest Service WQMP

- In 1981, per CWA Section 208, SWRCB:
  - Certified USFS “Water Quality Management for National Forest Service Lands in California” (WQMP) including its “best management practices” (BMPs)
  - Designated USFS as the water quality management agency for implementing that WQMP, and
  - Executed a management agency agreement (MAA) with USFS.
- USEPA approved these actions.
- No requirements for a report of waste discharge and no WDRs were issued.
- BMPs implemented as the primary NPS control approach on NFS lands.
- The BMPs were last updated in 2000.

# Other Agencies, Board and Department of Forestry and Fire Protection

- BOF/CalFire
  - Regulate commercial timber operations on 7 – 8 ma of non-federal timberland.
  - Have multiple mandates to:
    - Restore, enhance, and maintain timberland productivity
    - Achieve maximum sustained yield of high-quality timber products, and
    - Give consideration to watershed protection, fisheries and wildlife, and recreational opportunities.
  - High quality water is among the most valuable commodities to be produced from non-federal timberlands.

# BOF/CalFire WQMP

- In 1988, per CWA Section 208, SWRCB:
  - Executed a management agency agreement (MAA) with CalFire/BOF,
  - Certified specific sections of BOF's Forest Practice Rules plus the MAA as the WQMP for timber operations on non-federal forest lands, and
  - Designated BOF/CalFire as joint management agencies for implementing WQMP.
- The MAA directed Regional Boards, upon USEPA approval of the WQMP, to generally cease issuance of WDRs for such operations
- CalFire/BOF has implemented its BMPs as the primary approach to protecting water quality from the timber operations that it regulates.
- The BOF Rules have been made progressively more protective of water quality since 1988.
- In 1999 and again this year, BOF adopted a more stringent set of Rules to augment protection for anadromous salmonids, but failed to adopt Rule amendments recommended by the Water Boards to bring about better consistency with Clean Water Act Section 303(d) TMDL goals.

# Significant Impacts

- The most significant chronic problems from forest lands are sediment and heat loading.
  - Forest roads are the most significant anthropogenic sources of sediment.
  - A significant amount of sediment is from “legacy” problem sites.
  - Thermal impacts are mostly from loss of streamside canopy reduction
- The most significant acute WQ impacts are from catastrophic wildfire.

# Significant Changes, I

- New USFS policies and directives
  - e.g., Ecological Restoration, Travel Mgt Rule
- New ESA listings for aquatic or riparian species
  - e.g., Amphibians, anadromous salmonids
- New CWA 303(d) listings and TMDLs
  - e.g., Some sediment/temp-impaired waters flow through or receive drainage from forested watersheds

# Significant Changes, II

- Per CZARA, State's Plan for California's Nonpoint Source Pollution Control Program.
  - Management measures for silviculture and other NPS activities.
- Nonpoint Pollution Source Implementation and Enforcement Policy.
  - “Key Elements” for 3<sup>rd</sup>-party programs
- Porter-Cologne Act amendments
  - SB 390 (Alpert, 1999), SB 810 (Burton, 2003), and SB 923 (Sher, 2003)
  - Waivers must be formal, conditional, temporary, and include monitoring.
  - SWRCB authorized to issue statewide WDRs and waivers.

# Rethinking WQMPs, I

- Both WQMPs were originally treated as informal waivers.
- Several RWQCBs have since developed their own region-specific timber harvesting waivers and WDRs.
- This has caused:
  - Regulatory redundancy,
  - Inconsistency with BOF/CalFire and USFS standards
  - Inconsistencies between regions
  - Increased regulatory burdens, costs, and uncertainties.
- Need to rethink WQMPs and their implementation.

# Rethinking WQMPs, II

- USFS and BOF/CalFire have authorities, resources and expertise that can be very valuable in more efficiently controlling NPS pollution from activities on forest lands.
- It is in our mutual interest to interpret and apply our respective mandates in a balanced, complementary and harmonious manner.

# Rethinking WQMPs, III

- The SWRCB desires:
  - To achieve the goals of the CWA, the PCA, and CZARA by maintaining water quality where it is in good condition, protecting it where it is threatened and contributing to its restoration where it is impaired.;
  - To minimize duplication of effort and unnecessary regulatory burdens and uncertainties;
  - To improve the efficiency and effectiveness with which pollution generated by past and present activities on the State's forest lands is controlled;
  - To establish statewide, rather than competing regional, priorities for remediation of legacy problem sites, restoration of impaired water bodies; and
  - To enhance transparency and accountability through coordinated and consolidated statewide water quality monitoring and reporting program priorities and requirements.

# Rethinking WQMPs, IV

- A more streamlined and consistent statewide approach would benefit all affected parties by:
  - Centralizing statewide program administration and reporting;
  - Greatly reducing the number of different waste discharge requirements and/or waivers to be administered and periodically renewed.
  - Maximizing the efficient use of USFS and BOF/CalFire expertise, resources, and authorities for water quality protection.
  - Freeing the Regional Water Boards to use their resources in the field with the other agencies, directly managing rather than preparing and adopting orders or plans.
  - Allowing USFS, BOF/CalFire and Water Boards' resources to be collaboratively focused where the need and/or potential benefits are greatest.
  - Allowing more effort and funding to be devoted to on-the-ground improvements.

# Moving Forward

- Pursuant to Resolution 2009-0064, SWRCB is currently engaged in a process to achieve these ends with USFS.
- We had hoped to do so with BOF/CalFire
- We cannot currently have *ex parte* discussions with BOF/CalFire.