

**August 24, 2010**  
**WQMP STAKEHOLDER GROUP MEETING Notes**

Court's Road Ruling

- Silviculture – EPA rule is not consistent with the Clean Water Act. The EPA Rule exempts runoff from roads and conveyances as a point source. Possible next steps would be a Rule by EPA and a petition for review from the FS. Parties may ask for a re-hearing of the 9<sup>th</sup> District Court or higher. Parties may ask silviculture rule to stand for a period of time until EPA can do review of their regulations/requirements.
- The State Board has not made a decision on how they will react. A consideration could be a general permit for activities associated with silviculture.
- There are two existing Water Board general permits – construction and industrial permit, however these permit might not be the appropriate vehicle. Mainly, the industrial permit does not include silviculture activities.
- Timing- is unknown.
- If the decision stands, there will be less flexibility in handling these types of discharges
- If roads were outsloped (with no ditch or culvert) this rule would not apply.
- There's no distinction between public and private lands. If ruling holds, then federal agencies would have to comply.
- For the WQMP- the process for developing BMPs for roads will be included, even though, they might not be covered under the waiver. Permit can require compliance with the BMPs.
- Owners or operator using the conveyance can apply for permit, but this still needs to be resolved.
- Can issue a general permit from a discharges associated with silviculture.

Action Items

- The last two stakeholder meeting (Sept 22 and Oct 26) will be used to development of the CEQA, Water Board Regulatory mechanism/process
- August 26<sup>th</sup> is the tentative date the OHV BMPs will send to stakeholders. Comments are due to Gaylon 2 weeks later.
- Draft WQMP will be sent out before Sept 22. Barry plans to have a draft by Sept 10<sup>th</sup>, however it will not include the BMPs. The draft is subject to change pending comments from stakeholders and FS personnel.

Next Meeting

- September 22 Meeting Items
  - Resolution
  - Waiver
  - CEQA development

Meeting Participants:

John Stewart, Barry Hill, Beorn Zepp, Amy Granat, Don Rivenes, John Buckley,  
Melba J. Leak, Clandia Ball, Crystal Bowman, Karen Schambach, Stan Van Velsor,  
Laurel Ames, Eric Carleson, Mike Chapel, Wilson Yee, Dew Coe, and Lauri Kemper.