

**SIXTH STAKEHOLDER GROUP MEETING Notes**  
**September 22, 2010**

**USFS draft Off-Highway Vehicles (OHV) BMPs**

Language and General Comments.

- The numbers of the BMPs will change to 4-7.1 to 4.7.9.
- More action driven language (e.g., implement, written, enforcement etc.) should replace the general language (e.g., moderate, minimum, high risk, high) to give the BMP more implementation leverage.
- The introduction should discuss and describe the purpose and goals of the BMPs.
- The BMP should be balanced with recreational goals.
- Inspection, priorities are not included in the OHV BMPs. WQMP is a USFS document and cannot commit the Water Board to any implementation requirements. This type of information (inspection, priorities, and etc.) will be included in the waiver.
- The Outstanding Natural Resources Waters (ONRW) standard needs to be addressed in the OHVs.
- The BMPs do not meet the Clean Water Act (CWA).

Partnerships

- In OHV-1 (4-7.1) planning should work in concert and/or in consultation with the California State Park and Recreation – Off-Highway Motor Vehicles Recreation Program (OHMVR).
- USFS works with volunteers to put together maintenance plans.
- USFS should work with the OHV community to look at ways to improve existing routes (e.g., reroutes to address problem areas).

Existing, New, Approved and Unapproved Routes/Trails

- USFS plans to address the routes that have problems, but cannot commit to addressing a certain percentage of them. They will work with the OHV community in order to do things better. They will also try to be more explicit in the BMPs dealing with existing routes. Unauthorized routes will be addressed in the restoration chapter.
- Currently, USFS is not addressing unapproved existing routes. Some routes may be suitable as they are, while others are unsuitable. The routes that are not suitable will be the main focus, and be restored with other funding. Other unsuitable roads that may be fixed through natural environmental processes.

Monitoring

- USFS realizes that more monitoring is needed, but with the limited resources, it would be difficult to do. If more monitoring would be implemented, the source to funding to support it would come from other areas/ resources e.g., maintenance.
- Monitoring is one of the conditions that will be specified in the Water Board's waiver.
- Monitoring is difficult in managing forests, and there are many barriers to effective monitoring. Most of the Stakeholders agreed with the proposal to create a task force to develop an effective monitoring strategy. See Action Items.
- 'High risk and high maintenance areas' in the BMP are concentrated use areas.

## **Summary of proposed SWRCB Waiver**

### Process

Water Board staff is preparing a draft waiver, initial study, a mitigated negative declaration, and Memorandum of Understanding or some form for interagency agreement. After the documents are developed, there will be a 30 day review period for public comments. An Action is required to go through the State Board hearing process, which requires a 30 - 45 day public notice. A Schedule for Further Actions (eg., updating the WQMP, and other issues not address in the revised WQMP etc.) will be developed. The Waiver can be based on the existing revised plan, but the condition for updating the plan will be periodically stipulate or determined in the schedule.

### Waiver

The statewide waiver would cover Central Valley and the Lahonton Regional Board waivers, but not the North Coast, because their newly adopted waiver is the template for the this waiver. Specific conditions for each Regional Board will be stipulated in the statewide waiver. Category A and B in the draft waiver can change, but comments to make those changes are needed. The decision to enroll an applicant under the waiver will be made by the Regional Board initially. The Regional Board would evaluate the application and activities in the application to determine it's consistency to the waiver. The statewide waiver stipulates conditions to the Regional Board for determining enrollment and compliance with the waiver. If an applicant does not comply with the conditions set forth in the waiver, they will be subject to enforcement actions. If an individual project, a class of NPS activities, or a particular national forest has repeated violations, they may be removed from the waiver, and subject to a WDR. WDRs are a deterrent to prevent the applicant from not complying with the waiver, because they are expensive and time consuming.

Certain activities pose more of a water quality risk than others. The waiver can only be used on activities that do not pose a significant effect on/to water quality. There are two categories of activities under the waiver (Category A and Category B). Category A includes activities that don't pose a significant threat to water quality. Category B includes activities that have the potential to affect water quality, so an application for enrollment and other conditions must be met. Under the waiver, the applicant has to identify (in their application) how they will meet conditions proposed in the waiver. The waiver has a maximum time period 5 years, after the 5 year time period it will need to be renewed. This is one of the benefits of the waiver, because it allows time to review what was done in the 5 year time period and adjust the waiver as appropriate. On the other hand, under the WDR, the applicant has to stipulate how they will meet water quality standards. The trigger for issuing a WDR is not an exceedance of water quality standards; it's whether the activities pose a threat to water quality. If the applicant does not comply with the WQMP, they don't comply with the waiver.

## **Links to Documents**

These links will be posted on the [Water Boards WQMP](#) webpage under 'Relevant Documents'.

NPS Program Plan

[http://www.swrcb.ca.gov/water\\_issues/programs/nps/protecting.shtml](http://www.swrcb.ca.gov/water_issues/programs/nps/protecting.shtml)

Policy

[http://www.swrcb.ca.gov/water\\_issues/programs/nps/docs/oalfinalcopy052604.doc](http://www.swrcb.ca.gov/water_issues/programs/nps/docs/oalfinalcopy052604.doc)

Fact Sheet

[http://www.swrcb.ca.gov/water\\_issues/programs/nps/docs/npsfactsheet.pdf](http://www.swrcb.ca.gov/water_issues/programs/nps/docs/npsfactsheet.pdf)

Regulatory Presentation

[http://www.swrcb.ca.gov/water\\_issues/programs/nps/docs/wqmp\\_forests/wq\\_law101.pdf](http://www.swrcb.ca.gov/water_issues/programs/nps/docs/wqmp_forests/wq_law101.pdf)

Enforcement Policy – Page 9 starts the Enforcement Priorities for Discretionary Enforcement Actions, and Page 12 describes when the State Board would table action instead of the Regional Board.

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

### **Action Items and Next Steps**

- Stan Van Velsor will compose a letter to Randy Moore (Regional Forester, Pacific Southwest Region) and Charles Hoppin (State Board Chair) requesting the establishment of a task force to develop monitoring recommendation. The letter should address what the USFS has been doing and what they are currently doing. This letter will be sent to the stakeholder for review. Please contact Stan, if you are interested in getting involved in this effort.
- OHV comments are due Oct 6<sup>th</sup>, 2010.
- Draft WQMP should be available mid-October.
- Draft Waiver, CEQA (Initial Study) will be out the week of October 27<sup>th</sup>, 2010. Possible comment will start around Thanksgiving.
- Stakeholder comments on the draft waiver, CEQA (Initial Study) is due before the October 26, 2010 Stakeholder meeting.
- Comments and suggestions are invited for the 'Schedule of Future Actions' (send to Gaylon Lee). After comments have been received, a list will be developed and sent-out to the group. The future actions would not be worked on until the next calendar year.

### **Next Meeting**

- October 26, 2010 at the CalEPA Building, Room 550.

### **Stakeholder Participants**

John Stewart, Barry Hill, Kathleen Mick, Crystal Bowman, Beorn Zepp, Don Rivenes, Amy Granat, John Buckley, Stan Van Velsor, Karen Schambach, Laurel Ames, Lisa Belenky, Justin Oldfield, and Elisa Noble.