



United States  
Department of  
Agriculture

Forest  
Service

Mendocino N.F.  
Supervisor's Office

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File Code: 2530-3

Date: March 8, 2007

Song Her  
Clerk to the Board  
State Water Resources Control Board  
1001 "I" Street  
Sacramento, CA 95814

4/3/07 BdMtg Item 4  
Clear Lake  
Deadline: 3/19/07 noon



Dear Clerk of the Board:

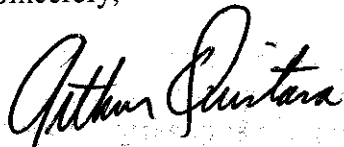
This letter is in response to a request for comments regarding the proposed amendment to the Water Quality Control Plan for the Central Valley Region (Basin Plan) to establish a Total Maximum Daily Load for Nutrients in Clear Lake.

On page 2, there is mention of waste discharge requirement waivers. This first sentence needs clarification as it applies to the Forest Service. According to the Management Agency Agreement (MAA) between the State Water Quality Control Board and the U.S. Forest Service, the State Board agrees the issuance of waste discharge requirements (WDR) will be waived by the Regional Board provided the Forest Service implements Best Management Practices (BMP's). Regarding the latter, the Forest has a Best Management Practice Evaluation Program that examines BMP implementation and practice effectiveness in keeping soil from entering streams. This information is available upon request.

With the MAA, we use BMP's in the design of prescribed brush burning projects, livestock grazing allotment updates and road/OHV trail maintenance/re-routing/rehabilitation projects without notifying the Regional Board. However, timber harvest activities do require a BMP waiver and the Forest requests these waivers from the Regional Board. In the proposed amendment, the Mendocino National Forest would like to clarify that not all of our activities are in need of a waste discharge requirement.

In closing, the Mendocino National Forest would like to mention that our Forest Hydrologist, Robert Faust, is a participant in the Clear Lake TMDL Stakeholder's Group and Data Subcommittee. Robert feels that great strides are being made in data sharing and developing working relationships.

Sincerely,

*for*   
THOMAS A. CONTRERAS  
Forest Supervisor

Enclosure



MANAGEMENT AGENCY AGREEMENT BETWEEN THE  
STATE WATER RESOURCES CONTROL BOARD, STATE OF CALIFORNIA  
AND THE FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

This Management Agency Agreement is entered into by and between the State Water Resources Control Board, State of California (State Board), and the Forest Service, United States Department of Agriculture (Forest Service), acting through the Regional Forester of the Pacific Southwest Region, for the purpose of carrying out portions of the State's Water Quality Management Plan related to activities on National Forest System (NFS) lands.

WHEREAS:

1. The Forest Service and the State Board mutually desire:
  - (a) To achieve the goals in the Federal Water Pollution Control Act, as amended;
  - (b) To minimize duplication of effort and accomplish complementary pollution control programs;
  - (c) To implement Forest Service legislative mandates for multiple use and sustained yield to meet both long- and short-term local, state, regional, and national needs consistent with the requirement for environmental protection and/or enhancement; and
  - (d) To assure control of water pollution through implementation of Best Management Practices (BMPs).
2. The State Board and the Regional Water Quality Control Boards are responsible for promulgating a Water Quality Management Plan pursuant to the Federal Water Pollution Control Act, Section 208, and for approving water quality control plans promulgated by the Regional Water Quality Control Boards pursuant to state law. Both types of plans provide for attainment of water quality objectives and for protection of beneficial uses.
3. The State Board and the Regional Water Quality Control Boards are responsible for protecting water quality and for ensuring that land management activities do not adversely affect beneficial water uses.
4. Under Section 208 of the Federal Water Pollution Control Act, the State Board is required to designate management agencies to implement provisions of water quality management plans.
5. The Forest Service has the authority and responsibility to manage and protect the lands which it administers, including protection of water quality thereon.
6. The Forest Service has prepared a document entitled "Water Quality Management for National Forest System Lands in California" (hereafter referred to as the Forest Service 208 Report), which describes current Forest Service practices and procedures for protection of water quality.

7. On August 16, 1979, the State Board designated the Forest Service as the management agency for all activities on NFS lands effective upon execution of a management agency agreement.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Forest Service agrees:

- (a) To accept responsibility of the Water Quality Management Agency designation for NFS lands in the State of California.
- (b) To implement on NFS lands statewide the practices and procedures in the Forest Service 208 Report.
- (c) To facilitate early State involvement in the project planning process by developing a procedure which will provide the State with notification of and communications concerning scheduled, in-process, and completed project Environmental Assessments (EAs) for projects that have potential to impact water quality.
- (d) To provide periodic project site reviews to ascertain implementation of management practices and environmental constraints identified in the EA and/or contract and permit documents.
- (e) To review annually and update the Forest Service documents as necessary to reflect changes in institutional direction, laws and implementation accomplishment as described in Section IV of the Forest Service 208 Report. A prioritization and schedule for this updating is provided in Attachment A to this Agreement.
- (f) That in cases where two or more BMPs are conflicting, the responsible Forest Service official shall assure that the practice selected meets water quality standards and protects beneficial uses.
- (g) That those issues in Attachment B to this agreement have been identified by the State and/or Regional Boards as needing further refinement before they are mutually acceptable to the Forest Service and the State Board as BMPs.

2. The State Board agrees:

- (a) The practices and procedures set forth in the Forest Service 208 Report constitute sound water quality protection and improvement on NFS lands, except with respect to those issues in Attachment B. The State and Regional Boards will work with the Forest Service to resolve those issues according to the time schedule in Attachment B.
- (b) That Section 313 of the Federal Water Pollution Control Act mandates federal agency compliance with the substantive and procedural requirements of state and local water pollution control law. It is contemplated by this agreement that Forest Service reasonable implementation of those practices and procedures and of this agreement will

2. (b) (cont.)

constitute compliance with Section 13260, subdivision (a) of Section 13263, and subdivision (b) of Section 13264, Water Code. It is further contemplated that these provisions requiring a report of proposed discharge and issuance of waste discharge requirements for nonpoint source discharges will be waived by the Regional Board pursuant to Section 13269, Water Code provided that the Forest Service reasonably implements those practices and procedures and the provisions of this agreement. However, waste discharges from land management activities resulting in point source discharges, as defined by the Federal Water Pollution Control Act, will be subject to NPDES permit requirements, since neither the State Board nor the Regional Board has authority to waive such permits.

- (c) That implementation will constitute following the Implementation Statement, Section I of the Forest Service 208 Report.

3. It is mutually agreed:

- (a) To meet no less than annually to maintain coordination/communication, report on water quality management progress, review proceedings under this agreement, and to consider revisions as requested by either party.
- (b) To authorize the respective Regional Boards and National Forests to meet periodically, as necessary, to discuss water quality policy, goals, progress, and to resolve conflicts/concerns.
- (c) That the development and improvement of BMPs will be through a coordinated effort with federal and state agencies for adjacent lands and areas of comparable concern.
- (d) To meet periodically, as necessary, to resolve conflicts or concerns that arise from and are not resolved at the Forest and Regional Board meetings. Meetings may be initiated at the request of either party, a National Forest, or a Regional Board.
- (e) To coordinate present and proposed water quality monitoring activities within or adjacent to the National Forests and to routinely make available to the other party any unrestricted water quality data and information; and to coordinate and involve one another in subsequent/continuing water quality management planning and standard development where appropriate.
- (f) That nothing herein shall be construed in any way as limiting the authority of the State Board or the Regional Boards in carrying out their legal responsibilities for management or regulation of water quality.

3. (cont.)

- (g) That nothing herein shall be construed as limiting or affecting in any way the legal authority of the Forest Service in connection with the proper administration and protection of National Forest System lands in accordance with federal laws and regulations.
- (h) That this Agreement shall become effective as soon as it is signed by the parties hereto and shall continue in force unless terminated by either party upon ninety (90) days notice in writing to the other of intention to terminate upon a date indicated.

IN WITNESS WHEREOF, the parties hereto, by their respective duly authorized officers, have executed this Agreement in duplicate on the respective dates indicated below.

FOREST SERVICE,  
U. S. DEPARTMENT OF AGRICULTURE

STATE WATER RESOURCES CONTROL BOARD  
STATE OF CALIFORNIA

By *James R. Smith*  
Regional Forester  
Pacific-Southwest Region

By *C. W. Lindsey*  
Executive Director

Date: 3/17/81

Date: FEB 26 1981

By *J. M. Durbin*  
Regional Forester  
Intermountain Region

Date: 4-1-81

By *James F. Torrance*  
Regional Forester  
Pacific Northwest Region

Date: 5-26-81