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State Water Resources Control Board
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Comment re: USFS Waiver

The following is one of my comments concerning the “*Draft Mitigated Negative Declaration and Draft Statewide Conditional Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California*”.

2. Unsubstantiated Comment

Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California

The State Water Resources Control Board (State Water Board) finds that:
(page 2)

Off-highway Vehicle (OHV) Recreation: *Motorized recreation is the fastest growing use of NFS lands. The increased power and capabilities of OHVs, together with population growth, has greatly increased both the range of and demand for motorized access. OHV recreation is the most rapidly increasing source of sediment discharges on NFS lands.*

Comment 1:

There is no supporting data or documentation to substantiate the claim that “*OHV recreation is the most rapidly increasing source of sediment discharges on NFS lands*”. A distinction must be made between “motorized access” and “OHV recreation”. Only a small proportion of the motorized vehicles that travel on NFS routes are designated as OHVs. Only a small proportion of the NFS routes allow OHV travel.

Please refer to the report by the 2006 California State Parks “*Estimating the State Fuel Tax Paid on Gasoline Used in the Off-Highway Operation of Vehicles for Recreation*” for details of vehicle use off-highway.

California Motor Vehicle Code;

38012. (a) As used in this division, "off-highway motor vehicle subject to identification" means a motor vehicle subject to the provisions of subdivision (a) of Section 38010.

(b) As used in this division, "off-highway motor vehicle" includes, but is not limited to, the following:

(1) Any motorcycle or motor-driven cycle, except for any motorcycle which is eligible for a special transportation identification device issued pursuant to Section 38088.

(2) Any snowmobile or other vehicle designed to travel over snow or ice, as defined in Section 557.

(3) Any motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle.

Comment 2:

The PORTER-COLOGNE WATER QUALITY CONTROL ACT, states under section **13050, Definitions**

As used in this division:

(1)(1) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which

unreasonably *affects either of the following:*

(A) The waters for beneficial uses.

(B) Facilities which serve these beneficial uses.

(2) "Pollution" may include "contamination."

Sediment discharges on USFS lands must meet the above qualifications before they can be labeled as "Pollution".

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Thank you for considering my comments
Bruce Brazil