

Table 1. Summary of Public Comments

Name	Affiliation	Present at May 9 th Workshop	No. of Comments	General	Waiver Order	Eligibility Criteria	Notice of Intent	Monitoring	Comments submitted	
									2009	2005
1 Donna Bradford	Santa Cruz County Environmental Health	Y	0						Y	Y
2 Bob Berlage	Big Creek Lumber Company	Y	7	1		2	1	3	N	N
3 Colin Noyes	Big Creek Lumber Company	Y	1			1			N	N
4 Nadia Hamey	Big Creek Lumber Company	Y	6			1	1	4	Y	Y
5 Micheal Duffy	Redwood Empire Sawmills	Y	2			2			Y	N
6 Micheal Huyette	California Geologic Survey	Y	1					1	N	N
7 Angela Bernheisel	CalFire (Soquel Demonstration State Forest)	Y	1					1	N	N
8 David Van Lennep	Redwood Empire Sawmills	Y	4		1	1		2	Y	Y
9 Dylan Windt	Staub Forestry & Environmental Consulting	Y	1		1				N	N
10 Scott Bullock	Cal Fire (Santa Cruz-San Mateo Unit)	Y	0						N	N
11 Brian Dietrick	Cal Poly (Swanton Pacific Ranch Director)	Y	0						N	N
12 Steve Auten	Cal Poly (Swanton Pacific Ranch Manager)	Y	3	1	1			1	Y	N
13 Zeke Bean	City of Santa Cruz	Y	5			1		3	N	N
14 Kenn Williams	Planner	Y	0						N	N
15 Chris Berry	City of Santa Cruz	Y	1					1	N	Y
16 Joe Culver	Consulting Forester	Y	1					1	Y	N
17 Betsy Herbert	San Lorenzo Valley Water District	Y	2	1				1	N	Y
18 Jodi Frediani	Sierra Club	N	9	6		2		1	Y	Y
19 Kevin Collins	Lompico Watershed Conservancy	N	10	5	1			4	Y	Y
20 Nancy Drew Fenton	Sunbeam Woods Association	N	64	33	10	1	6	14	N	N

Comments	No.	%
General	47	40%
Order	14	12%
EC	11	9%
NOI	8	7%
MRP	37	32%



City of Santa Cruz Water Department – 212 Locust St. Santa Cruz, CA 95060 – (831) 420-5200

May 18, 2012

Mr. Michael Higgins
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Draft Order R3-2012-0008 General Conditional Waiver Requirements - Timber Harvest Activities

Dear Mr. Higgins:

The City of Santa Cruz (City) appreciates the opportunity to comment on the Waste Discharge Requirements for Timber Harvest Activities in the Central Coast Region, Draft Order R3-2012-0008 (Order). As a municipal water purveyor, we have an interest in ensuring the protection of the water quality of Santa Cruz County waters. We previously commented on the Board's "timber waiver" program in 2005 and have appended those remarks to this correspondence for the record (Attachment A).

While the City supports the current Order in general, we have a few concerns which merit additional consideration. We must stress the importance of adequate inspections and participation in the Review Team process by Water Board Staff so as to ensure CEQA compliance as the functional equivalency status of the THP process, and ultimately to ensure the protection of beneficial uses of water and related public trust values. Given the increased discretion for approving winter operations, and the reliance on the presumed effectiveness of Best Management Practices and on adequate self-monitoring and reporting, it is crucial that Water Board Staff ensure that adequate controls for limiting and monitoring winter operations are in place for each plan, and that those plans with winter operations require tier 3 monitoring and are adequately inspected. While we appreciate that inspecting each harvest will take considerable time and effort, these inspections are critical to the success the program.

Generally speaking on the monitoring topic - due to the compromises inherent in developing the monitoring program with the regulated community - additional site inspections by agency staff (throughout the winter), increased photo-monitoring and other related BMP-effectiveness monitoring are probably a better use of resources than attempting to conduct more complicated monitoring for turbidity, temperature, and related issues. However - while we don't support monitoring which is required purely for the sake of monitoring but doesn't actually demonstrate efficacy of BMPs and impacts on public trust resources - we are concerned with the removal of the *Forensic Monitoring Areas of Concern* section, particularly the language pertaining to monitoring of water diversions.

Rather than being removed, the existing language should be strengthened to require monitoring and reporting of *instantaneous* diversion rates. In conjunction with the requirement that no more than 10% of creek flow is diverted, a threshold should be included to require a minimum bypass that ensures the protection of beneficial uses including MUN, COLD, SPWN, etc. – which are particularly relevant in Santa Cruz County watersheds.

Thank you for your consideration.

For:

Zeke Bean, Environmental Projects Analyst
City of Santa Cruz Water Department
715 Graham Hill Road
Santa Cruz, CA 95060

Attachment A



Water Department
809 Center St. Santa Cruz, CA 95060 (831) 420-5200

May 17, 2005

Mr. Howard Kolb
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RE: Draft General Conditional Waiver of Waste Discharge Requirements - Timber Harvest Activities in the Central Coast Region - Resolution NO. R3-2005-0066.

Dear Mr. Kolb,

City of Santa Cruz Water Department (City) staff have reviewed the California Regional Water Quality Control Board (CRWQCB) Central Coast Region staff reports of January 20, 2005 and April 7, 2005, including associated attachments. Additionally, for context of the proposed Timber Waivers, City staff reviewed other RWQCB documents including the: Basin Plan, San Lorenzo River Basin Plan Amendment for Sediment (May 2003), Triennial Report (2001), and Watershed Management Initiative (Jan 2002).

As you are aware, the City operates a municipal water-supply system. Our water-supply watersheds include substantial areas of lands managed for timber production, particularly within the San Lorenzo River watershed. The City has been involved with the review of timber operations within our water-supply watersheds for many years. Additionally, the City owns and manages approximately 4,000 acres of watershed property, much of it forested, and managed for timber production in the past. The City is also in the process of completing a Habitat Conservation Plan which includes aquatic species. Therefore the City will share an increased regulatory burden if these species are not equally protected throughout their range.

We would first like to acknowledge CRWQCB staff and the Board for the substantial amount of work that has gone into the Draft Waiver. Some of the concerns we had with the staff report from January have been addressed and clarified in the April staff report, particularly regarding cumulative impacts and ranking criteria for impaired watersheds.

Listed below are our comments on the Draft Conditional Waiver for Timber Harvest Activities in the Central Coast Region (Draft Waiver).

Comments on Monitoring:

We support the monitoring of both Class I and II streams with perennial flow. Class II streams are of particular concern given the levels of cutting allowed by the current Forest Practice Rules (FPR's).

The Initial Study and MRP state that monitoring data will be reviewed, and some percentage ground truthed by CRWQCB staff per the Draft Waiver. Field review by CRQCB staff should be scheduled for the rainy period, during rainstorms for turbidity monitoring, since the comparative sampling under the Draft Waiver would be completed under similar conditions. Sampling should be correlated with stream flow and rainfall observations, if parallel on-site flow measurements are not possible. This would likely require an increase in the RWQCB staffing levels, since most past compliance monitoring has typically taken place while staff is out on other pre-harvest inspections, which are often during the dry season.

There are possibilities for CRWQCB staff to share some of these duties with CDF inspectors who also make inspections during the winter period. Additionally, the Hillslope Monitoring Group (HMG) may be able to expand some of their field work to include water quality monitoring. With the HMG analysis of WLPZ roads, stream crossings, etc. they will be at locations which will be subject to monitoring by the Draft Waivers. There is also the possibility of establishing a Water Quality Monitoring group to conduct monitoring on selected THP's in place of, or in addition to, the water quality compliance monitoring proposed in the MRP. Some sort of collaborative monitoring group may be able to provide more meaningful data than that proposed by the Draft Waiver. Monitoring should be conducted for THP's ranked in Tier II and III. A subset of the THP's reviewed should also include pre-project monitoring (see Jack Lewis abstract and presentation, December 2003 Conference on Water Quality Monitoring).

As noted in the Initial Study for the Draft Waiver, the Water Board, California Department of Forestry (CDF) and Board of Forestry (BOF) all have direct authority, responsibility, staffing resources, and expertise to require that timber harvest activities are implemented, enforced, and evaluated. The 1988 Management Agency Agreement between the agencies and Boards seems to provide the framework for a group monitoring effort. This would also be consistent with the RWQCB Watershed Management Initiative (Jan 2002, goal #6), to implement monitoring of select timber harvest operations to minimize water quality impacts and to refine local timber harvest practices. Additionally, the Basin Plan (Chapter 6 section II) discusses quality control and data management requirements including professional labs and approved QA/QC programs. An inter-jurisdictional program may better achieve these goals, as this information will almost certainly be utilized as part of the overall monitoring strategy for the Basin Plan and amendments (TMDL's).

While we believe that monitoring is important, it is also important to recognize the goals and limitations of monitoring for THP's. THP areas have typically been altered by original clear-cut era logging, and subsequent harvests under more recent entries. In essence, most watercourses have already been degraded. Maintaining existing conditions may be a fair starting point, but will

not improve the conditions which have contributed to water bodies being listed as impaired, and associated aquatic species listings.

Comments on the Initial Study:

Staffing:

The level of review and anticipated staffing levels are based on the current level of proposed THP's, which are noted as numbering between 15-25 annually for the Central Coast Region. This low volume is a relatively new development, and potentially subject to change. If this document was being prepared in the mid to late 1990's there would be approximately 50 THP's to review annually for Santa Cruz County alone. Staffing levels should be flexible to accommodate swings in THP levels, and should be funded by the THP process, similar to water rights applications and Department of Fish and Game "1600" permits. It appears that the proposed RWQCB staffing level of .6 person years may be inadequate to accommodate THP review, and storm monitoring.

County Timber Harvesting Ordinances:

The Initial Study states that Santa Cruz County has stringent requirements in addition to the FPR's. It should be clarified that these stringent requirements (including no-cut buffers of 30'-50' for Class II and Class I streams) only apply to harvests of less than 3 acres in size. Special County Rules have been adopted into the FPR's, however, many proposed rules have also been turned down by the BOF. These included proposed rules to protect stream corridors with no-cut zones, consistent with other land use regulation (noted above). The City supported the proposed rules for the increased stream protections, which were subsequently denied by the BOF.

Section IV. Biological Resources:

This section discusses the protection measures of the FPR's, and that the FPR's, including a prohibition on even-aged silviculture (clear cutting), ensures "that biological habitat is not reduced across the watershed." The existing FPR's allow the reduction of total canopy within the Watershed and Lake Protection Zone (WLPZ) of Class II watercourses to 50% of pre-harvest condition, and requires only that 25% of the over story be composed of conifers (14CCR 916.5). For recruitment of LWD, only two conifer trees per acre, at least 16" dbh and 50' tall, within 50' of the watercourse is required (14CCR 916.3).

This regulation, with 10-14 year reentry periods, will maintain these watercourses in a perpetual state of adolescence and disturbance, which will reduce the stream side zones ability to filter and store sediment, reduce the stability of the stream beds and banks, reduce the recruitment of LWD, and affect temperature. These are all important to protect beneficial uses of cold freshwater habitat, estuarine habitat, threatened or endangered species, and municipal water supplies.

The FPR's had similar "protections" (50% canopy removal, no LWD specifications) for Class I streams until 1996 for Coho streams, and even later for other Threatened and Impaired watersheds. Fortunately, the FPR's were (at least temporarily) changed to better protect Class I's. Unfortunately, they haven't been changed adequately to protect Class II's. There is a wealth of

literature which supports greater protection for Class II streams for beneficial uses (Report of the Scientific Review Panel on California Forest Practice Rules and Salmonid Habitat (SRP), June 1999; NMFS Salmonid Guidelines for Forestry Practices in California, 2000; Evaluating the Biological Significance of Intermittent Streams; Reid and Ziemer, 1994; Northwest Forest Plan, (FEMAT), 1993; Sierra Nevada Ecosystem Project (SNEP), 1996). The RWQCB should require additional protections to Class II streams as a Best Management Practice (BMP) under the Draft Waiver. This would increase protections for numerous beneficial uses throughout a significant portion of the watersheds. The Basin Plan identifies the goal of preservation or enhancement of aquatic habitat, and vegetation for Cold Fresh Water Habitat, and the requirement to support the habitat necessary for the survival and successful maintenance for Rare Threatened or Endangered Species.

The Watershed Management Initiative (January 2002) for the Region, specifies a goal of coordinating with the National Marine Fisheries Service and the California Department of Fish and Game to ensure restoration and protection of fish and wildlife habitat. The Central Coast RWQCB has proposed developing a Riparian Corridor Protection Policy for a number of years. The protection of Class II streams is essential for the protection of beneficial uses. No cut/ disturbance buffers should be included as a condition of the waivers, as a BMP, at least until the coordination and policy development noted above is completed.

Section VI. Geology and Soils:

As with the biology section, the Initial Study states that compliance with the FPR's and the prohibition of even aged silviculture will insure that geologic stability is not reduced across the watershed.

Roads are the primary cause of human-induced geologic and soil failures which impact the beneficial uses of water within the Central Coast Region. The impacts of roads on the beneficial uses of water are well known (Forest Roads: A Synthesis of Scientific Information, Gucinski et al, 2001; FEMAT, 1993; SNEP, 1996; SRP 1999). Between 1987 and 1995, approximately 120 miles of timber harvest roads were constructed under the FPR's within Santa Cruz County alone. It is suspect that this would ensure geologic stability across the watershed. This is in addition to an extensive network of pre-existing "legacy" roads totaling hundreds of additional miles. Selective silviculture often requires substantial road networks, and legacy roads are often in close proximity to watercourses, and have been built in locations and to lesser standards of construction than currently allowed. Regardless, they are still widely used for THP's within the Region. The nature of the smaller, non-industrial land ownership of the region has actually hindered the type of remediation which is being undertaken on larger tracts of land elsewhere, namely road removal and restoration. Landowners often wish to keep as much road as they now have, and are typically reticent to relinquish control of access to their property to adjacent property owners. These conditions essentially insure geologic and soil instability across the watershed as opposed to ensuring stability. The level of geologic and soil instability is well documented in THP's, and agency reviews as "mitigation sites", and mapped locations of instability. Many of these have directly impacted beneficial uses of water. Given these conditions, CDMG review of THP's, while beneficial, can at best reduce geologic and soil impacts to water quality, not prevent it as implied in the Initial Study.

Chapter 5 of the Basin Plan was revised to include a portion of the developing Riparian Corridor Protection Policy. It recommends that filter strips of a minimum width of 30' be required between significant land disturbance activities and watercourses. Roads are areas of significant land disturbance. No cut/entry buffers should be required as conditions for any waiver where road related impacts are effecting watercourses.

Section VIII. Hydrology and Water Quality:

As with the previous sections, the FPR's and lack of even-aged silviculture have not eliminated impacts to hydrology and water quality within the Central Coast Region. The Basin Plan Amendment for sediment impairment of the San Lorenzo River (May 2003) lists THP roads and active/ recent THP parcels as sources contributing to impairment. To conclude that these are less than significant impacts for the proposed waiver is somewhat baffling. A 27% reduction in sediment loading for the San Lorenzo River has been targeted to achieve a level where the river is no longer sediment impaired. This includes reductions from THP sources. Given the continued impacts defined in the previous sections, and the FPR's inability to prevent all impacts, the proposed waivers should include the requirement for no-cut/disturbance buffers adjacent to watercourses.

The Basin Plan (Chapter 5, V.H.10 (2)) recommends pursuing monetary incentives for cost sharing grants and/or tax breaks for water quality protection. This should be further explored for protecting and enhancing the critical zones adjacent to watercourses.

In summary, the City supports the monitoring strategy proposed in the Draft Waiver, but believes that a more meaningful monitoring program could be implemented by utilizing the expertise, staffing, and responsibility, of a number of involved agencies. Additionally, we are concerned with the basis for the findings of "less than significant" in the Initial Study, regarding protections to watercourses based upon the existing FPR's, and the type of silviculture. Additional protections for no-cut buffers adjacent to watercourses are well supported in the literature, and would better protect beneficial uses.

Thank you for the opportunity to comment on the Draft General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities in the Central Coast Region.

Sincerely,

Chris Berry-
Water Resources Manager

cc: read file

1	Name:	Nadia Hamey, RPF	Email:	nadiah@big-creek.com	Date:	2-Jun-12	Category:	NOI
		Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute		
		The timeline for processing the Waiver currently starts after THP approval, which often delays startup, sometimes pushing operations unnecessarily into the winter period.		Allow applicants to submit a complete application following the close of public comment in the THP review process. At that point the THP is final and the RPF has incorporated the review team's recommendations. Cal-Fire has 15 days following the close of public comment to prepare the Official Response and make a determination, during that time the Water Board could be reviewing the Waiver application.		There is a benefit in not holding up operations to process the Waiver. Taking advantage of suitable ground conditions is very important and extended Waiver processing hampers that. Cal-Fire and California Geological Survey representatives are in agreement. See the THP Review Process.		
2	Name:	Nadia Hamey, RPF	Email:	nadiah@big-creek.com	Date:	2-Jun-12	Category:	MRP
		Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute		
		Increasing the annual reporting to 2 times annually is an increase in paperwork, and therefore expense.		Reduce the number of annual reports to one succinct report annually. The report could be submitted June 15 to capture all of the previous year's rain events (the rain may not be over by May 15). The June 15 report would cover the late fall inspection and all wet weather inspections.		It is appropriate to monitor BMPs when the area is hydrologically active to evaluate effectiveness and fine-tune drainage. The Nov report was too long after the winter monitoring season. May and Nov reports are redundant and costly. A June report encapsulating the previous monitoring season is good timing.		
3	Name:	Nadia Hamey, RPF	Email:	nadiah@big-creek.com	Date:	2-Jun-12	Category:	MRP
		Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute		
		The plethora of photos required in the draft MRP is too many and extremely expensive to catalog. Also, photos taken in rain events do not usually turn out clear.		Focus photo monitoring at key locations proposed by the RPF (and available for review and modification by the review team on the PHI). This reduces the number of low-value photos and hones in on high priority sites with actual risk, such as crossings and in-lieu practices. Also, skip the SBM photos and take photos during "Year 1" Implementation Monitoring, and "Years 1,2, and 4" Effectiveness Monitoring.		The Board Staff Report July 10, 2009 (Page 6): "Dischargers have submitted nearly 300 photos of stream crossings, landings, and mitigation sites. Waterboard staff has reviewed all photos and compared them against preharvest inspection photos, field notes, and the Dischargers visual inspection logs. Each of the 300 photos depict optimal field conditions. This type of categorical requirement has never resulted in Water Board Staff identifying failed management practices or field conditions that could indicate a negative impact to water quality."		
4	Name:	Nadia Hamey, RPF	Email:	nadiah@big-creek.com	Date:	2-Jun-12	Category:	MRP
		Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute		
		Implementation Monitoring is not necessary in "Years 2-4" because the operations has been complete for a full year; therefore, "Years 2-4" should consist of Effectiveness Monitoring.		It would be in-keeping with standard road monitoring practices to inspect BMPs during the first event annually when conditions are anticipated to be hydrologically active (rather than prior to Oct 15 - which is sometimes too early). The first Effectiveness Monitoring inspection should take place in one of the earliest hydrologically active events, rather than sometime prior to May 1.		The most effective BMP monitoring occurs when evaluation of waterbar function is possible ie) during storms. Therefore, IM and EM monitoring would be most effective if combined to take place during the early part of the wet season.		
5	Name:	Nadia Hamey, RPF	Email:	nadiah@big-creek.com	Date:	2-Jun-12	Category:	MRP
		Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute		
		The Draft MRP includes forensic monitoring that requires, If at any time during implementation or effectiveness monitoring, the Discharger observes a discharge of sediment, soil, organic material, or another waste ... then the dischrger shall notify the EO w/in 72 hours, and submit a written report with photo documentation and a description of implemented BMP and corrective action.		This requirement is too broad. Qualify that forensic monitoring is triggered by a "significant" discharge.		The forest environment is dynamic and deposition of soil and organic matter in water of the state are natural processes.		
6	Name:	Nadia Hamey, RPF	Email:	nadiah@big-creek.com	Date:	2-Jun-12	Category:	EC
		Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute		
		The new Eligibility Criteria, although more robust, is still based on arbitrary values of relative risk.		Revise the EC to remove the burdensome requirement to divide the WLPZ slopes into 3 categories. This information is not gathered during THP preparation and the task of GIS analysis to come up with linear segments for the EC is a waste of time, for no added water quality benefit.		The protection measures for the different WLPZ side-slopes encountered in the THP area are described in the THP. Knowing the detailed lengths of each segment is a time-consuming GIS analysis that does not improve practices.		



SANTA CRUZ FORESTRY
1195 41ST AVENUE, SUITE D, CAPITOLA, CA 95010
(831) 464-8788 • FAX (831) 464-8780

May 18th 2012

Roger Briggs, Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-0397

RE: Draft Monitoring and Reporting Program - Order number R3-2012-0008.

Dear Mr. Briggs,

This letter is intended to provide comments pertaining to the Central Coast Regional Water Quality Control Board's (CCRWQCB) proposed revisions to the Monitoring and Reporting Program (MRP) for the General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities (Order number R3-2012-0008).

The Central Coast Regional Water Quality Control Board (Water Board) has regulated timber harvest activities intensively since in 2003, when expiration of a General Waiver of Waste Discharge was mandated by SB 310 (1999). For nearly ten years staff has reported a high level of regulatory compliance, professional conduct and water quality protection associated with Timber Harvest Plans in this region. Current staff has reiterated these findings, most recently at the May 9th Waiver Workshop. As professionals we strive to comply with the numerous regulatory layers in the Timber Harvest Plan (THP) process, and we were pleased with staff's findings.

We believe that the Waiver process subsequent to the July 2009 revisions, has been functional for landowners and for staff. The current MRP focuses predominantly on visual inspections and reporting, followed by staff verification of conditions with inspections. Staff has made several beneficial revisions in both the Monitoring and Reporting Program (MRP) and the Eligibility Criteria (EC) that should provide additional procedural streamlining and equity.

Subsequent to the Workshop, staff further revised the MRP to address some of the comments and concerns expressed. We appreciate the effort on the part of staff, in providing that prior to the Comment Deadline.

The majority of my comments are attached in the spreadsheet format to simplify review by staff, but wanted to expand on some key concerns.

Comments on DRAFT ORDER NO. R3-2012-0008

From: David Van Lennep <dvanlennep@cruzio.com>
To: <centralcoast@waterboards.ca.gov>
Date: Friday - May 18, 2012 5:11 PM
Subject: Comments on DRAFT ORDER NO. R3-2012-0008
Attachments: DVL comments on Draft Order R3-2012-0008.pdf; TEXT.htm; D.Van Lennep_Public_Comment_template.xlsx; TEXT.htm; M.Duffy Outreach_Public_Comment 2.xls; TEXT.htm; Mime.822

Dear R3 Staff,
Please see the attached comments for **DRAFT ORDER NO. R3-2012-0008**.
Thank you.
David Van Lennep
Redwood Empire Sawmills

Mr. Roger Briggs
RE: Order number R3-2012-0008
Date 5/18/12
Page 2

Duplication of Reporting

The revised Waiver has an increased frequency and complexity of reporting that seem to have overlapping purposes. For example, a Storm Based Monitoring Report must be submitted 14 days after a monitoring event, even if no problems are observed. This report serves the same function as the Annual BMP Report, just at an earlier date. This might be important if not for the Forensic Monitoring and Reporting that requires reporting within 14 days of discovery of BMP or water quality problems on site.

This Storm Based report provides no additional notice to staff, or more timely response by the landowners to address water quality protection. It will burden the landowner with unnecessary cost, and additional staff time to review and assess.

We would request that staff revise the Waiver to exclude this superfluous requirement.

Photo Monitoring

Prior to the 2009 Waiver revisions, photo monitoring was required for all waivers. Photo monitoring is simple technically, but compilation, labeling and inclusion of photos in numerous reports is time consuming and costly to landowners without benefit to water quality. The Draft MRP states that all reports and photos will be evaluated by staff. This will greatly increase staff time needlessly.

By 2009 staff had accumulated hundreds of pictures, and was unable to establish any utility in assessment of photo monitoring for water quality protection. The staff report for the July 10 2009 meeting made the following determination as supporting rationale for removing programmatic photo monitoring.

"Water Board staff has reviewed all photos and compared them against preharvest inspection photos, field notes, and the Dischargers visual inspection logs. Each of the 300 photos depict optimal field conditions. This type of categorical requirement has never resulted in Water Board staff identifying failed management practices or field conditions that could indicate a negative impact to water quality."

Staff also retained the authority to require photo monitoring if deemed necessary.

"The revised MRP requires the Discharger to conduct storm-event based photo monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. If the Water Board's Executive Officer does not establish storm-event based photo monitoring locations, the Discharger is not required to conduct photo monitoring. This allows the Executive Officer flexibility to specify photo monitoring where appropriate without the categorical requirement to conduct photo monitoring where it may not prove to be useful. The Discharger is still required to conduct photo monitoring as part of forensic monitoring and violation reporting."

We would request that staff revise the Waiver to exclude the programmatic inclusion of photo monitoring.

We appreciate staff's efforts to streamline the Timber Waiver process and make it more efficient, while maintaining the high level of water quality protection that currently exists. It is our hope

Mr. Roger Briggs
RE: Order number R3-2012-0008
Date 5/18/12
Page 3

that you will give these comments the utmost consideration and understand that they are intended to suggest ways to improve the efficiency, simplicity and function of the General Waiver.

We look forward to working with staff on these revisions.

Sincerely,



David Van Lennep
Redwood Empire Sawmills
RPF # 2591

R3-2012-0008

Timber Order

Name:	M. Duffy	Email:	mjduffy@ebold.com	Date:	22-May-12	Category:	EC
Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute			
Drainage Density Index: The Buffer for class I watercourses is 100 feet, regardless of slope.		Revise buffer width to 100 feet for class I watercourses.					
Name:	M. Duffy	Email:	mjduffy@ebold.com	Date:	22-May-12	Category:	EC
Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute			
Cumulative Effects Ratio: Will Water Quality Staff be updating the Index with the most recent harvest acreage information? This will require more Staff time to accomplish.		Clarification.					

Name:	David Van Lennep	Email:	dvanlennep@cruzio.com	Date:	22-May-12	Category:	MRP
Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute			
<p>BMP Monitioing A. 1. It is unclear how the MRP directs the Discharger for plans with Winter Operations. Forensic Monitoring & Reporting is required, but without a triggering event.</p>		<p>Modify MRP to direct dischargers to conduct Forensic Monitoring based on failed BMP's or Discharge.</p>		<p>Language contained in the Forensic Monitoring and Reporting section of R3-2012-0007 (Feb 2012) found in Section E.1.a-e are sufficient.</p>			
Name:		Email:		Date:	22-May-12	Category:	MRP
Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute			
<p>Storm Based Monitioing B. 2. A Storm Based Monitoring Report is required 14 days after a triggering storm event. This report serves the same purpose as either the BMP Monitoring Report if no problem exist or the Forensic Monitoring Report if problem is discovered.</p>		<p>Modify MRP to require the BMP report May 15, or a Forensic Report subsequent to the storm event if Forensic Monitoring is required.</p>		<p>The function of this extra report is redundant with a BMP Report or a Forensic Monitoring Report. Requiring an additional report to confirm functioning BMP's or to defer to the required Forensic Monitoring is a duplication of both Discharger time to create, staff time to review, and offers no additional water quality protection..</p>			



May 17, 2012

Roger Briggs/Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Re: Draft Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities in the Central Coast Region, Order R3-2012-0008, including Informational Draft Monitoring and Reporting Program (MRP)

Dear Mr. Briggs,

Big Creek Lumber Company welcomes the opportunity to comment on the above referenced item. Our company has been selectively harvesting redwoods and Douglas-fir on the Central Coast since 1946. We were the first redwood production sawmill to have company lands green certified under the Principles and Criteria of the Forest Stewardship Council (FSC).

We have been operating under General Conditional Waivers of Waste Discharge since 2003. Prior to that, state permitted timber harvest activities were statutorily exempt from requiring individual water quality permits. As with anything new, the interactions between the Central Coast Regional Water Quality Control Board (CCRWQCB), staff and the regulated forestry community has been a learning experience. Consequently, the specifics of timber harvest waivers have evolved over time.

Your staff held a timber harvest waiver workshop on May 9, 2012. We commend staff for holding this workshop. The general sense among attendees is that the workshop was informative and constructive. We appreciated the opportunity for back and forth discussion outside the formal structure of a Board hearing. Particularly encouraging was staff's assertion that their on-site review of approximately 30% to 40% of timber harvest plans operating under waivers showed a "very high" rate of compliance. This is clearly the outcome the forestry community seeks to achieve.

Based on suggestions made at the workshop, CCRWQCB staff has made revisions to the draft waiver order. We concur with some of the revisions and have concerns about others. This letter addresses the areas of concern and, where appropriate, provides recommended changes.

Monitoring and Reporting

Photo Points

Commencing in 2003, timber harvest waivers frequently required photo point monitoring. After reviewing a number of years of collected data, staff provided the following observations in their May 18, 2009 staff report:

*Based on the current MRP, photo monitoring is triggered by storm-events, forensic monitoring, and violations reporting and shall be at locations within the timber harvest plan area where timber harvest activities have the greatest risk of potential discharge (sites may be established by the Water Board's Executive Officer during or after the Preharvest inspection). Storm-event based photo-monitoring points must include sites up and down stream of each newly constructed or reconstructed Class I and Class II watercourse crossing and landing within a Class I or II Watercourse or Lake Protection Zone (WLPZ). As a result of this requirement, Dischargers have submitted nearly 300 photos of stream crossings, landings, and mitigation sites. Water Board staff has reviewed all photos and compared them against preharvest inspection photos, field notes, and the Dischargers visual inspection logs. Each of the 300 photos depict optimal field conditions. **This type of categorical requirement has never resulted in Water Board staff identifying failed management practices or field conditions that could indicate a negative impact to water quality.** (emphasis added)*

The revised MRP requires the Discharger to conduct storm-event based photo monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. If the Water Board's Executive Officer does not establish storm-event based photo monitoring locations, the Discharger is not required to conduct photo monitoring. This allows the Executive Officer flexibility to specify photo monitoring where appropriate without the categorical requirement to conduct photo monitoring where it may not prove to be useful. The Discharger is still required to conduct photo monitoring as part of forensic monitoring and violation reporting.

Staff's 2009 conclusions are consistent with both our original concerns about photo monitoring and our assessment of photo data already provided to the CCRWQCB. Given staff's 2009 assessment, we are perplexed that the new draft MRP proposes an increase in photo point monitoring. We have previously commented on the inherent limitations of photo points. They provide a very limited field of view and photos taken in the middle of storm events will likely be blurry to the point of being not useful. Staff cites the United States Department of Agriculture Photo Point Monitoring handbook as a guideline, but none of the sample photos in that handbook appear to have been taken during a rain storm.

In separate conversations with staff it was suggested that producing photo points is a way of demonstrating that site inspections are occurring. In 2003, the Board stated that it was important for the forestry community to establish trust with the CCRWQCB. We certainly hope the rationale for requiring increased photo monitoring is not a trust issue. That concern should be well-resolved at this point, particularly considering staff's recognition of very high compliance by the regulated waiver holders. While it is not difficult to take individual photos, formatting the photos and including them in reports is both time consuming and costly for the landowner. The time and expense might be justified if photo monitoring provided useful information, but as staff acknowledged in 2009, this is not necessarily the case. Reviewing and cataloging additional photos will increase the CCRWQCB staff workload.

Recommendation: There should be an initial photo taken for reference at each photo point location. An additional photo shall be taken if forensic monitoring indicates a problem and this problem can be demonstrated in relation to the initial photo point. Storm Based Monitoring should not include photo points.

Storm Based Monitoring

Separate reporting for Storm Based Monitoring is unnecessary and potentially redundant. Properties are being inspected during and immediately after qualifying storm events. Under the current draft MRP language, an expedited report would be produced as a result of Storm Based Monitoring regardless of whether any problems are found. If a problem is found during a storm event, the waiver holder would be responsible for submitting a Forensic Monitoring Report for the same inspection.

Recommendation: Storm Based Monitoring should be reported as part of the May 15 report, not within 72 hours/14 days of a storm event. As mentioned above, photo points should not be required for Storm Based Monitoring. If a problem is found during storm inspections, photos would be taken as part of a Forensic Monitoring Report.

Forensic Monitoring

Section C (1) (i) of the Draft MRP states that a Forensic Monitoring Report must be submitted "If at any time during the winter operations period, the Discharger observes a discharge of sediment, soil, organic material, or other waste". The MRP does not specify whether this refers to natural discharge or discharge directly associated with timber harvest activities. Organic material is part of, and inseparable from forest ecosystems. So are soil and sediment. Arguably, pristine forests devoid of human activity discharge organic material on a daily basis. Discharge is not defined.

Section C (1) states that the Dischargers must notify the Executive Officer within 72 hours and submit a report within 14 days if a discharge is observed. However, Section C (3) states that the Discharger shall submit a report with photo-documentation no later than May 15. Does this mean that a Forensic Monitoring Report is required by May 15 even if there has been no forensic event? Does it also mean that a separate Forensic Monitoring Report is required by May 15 even if forensic reports have previously been submitted?

Recommendation: This entire section needs to be clarified and discharge needs to be defined so that the waiver holder clearly understands what is required for compliance.

Violation Reporting

Section E states that a narrative written report is required which must include water quality data.

Recommendation: "Water quality data" needs to be clearly described and defined in order to comply with this requirement.

CCRWQCB Waiver Review

Currently staff does not commence the formal review of timber harvest waivers until after CalFire has issued a state approved Timber Harvest Plan or Non-industrial Timber Management Plan. The rationale for this delay is the requirement for a CEQA approved project. However, staff is already directly engaged in harvest review as one of the members of the CalFire interdisciplinary review team. Timber operations within the jurisdiction of the CCRWQCB are already limited to an operating season of approximately 120 working days. Delays in receiving timely waivers of waste discharge have caused projects to be delayed and have also resulted in harvest plans that had to be filed with winter operations included.

Recommendation: Allow staff to begin their internal waiver review after the close of CalFire second review. Harvest plans cannot be changed after second review and staff is already reviewing the plans as part of the THP review team. A waiver would not be authorized until the THP or NTMP is approved, but this would lessen the unnecessary waiver delay landowners have experienced in the past. At the May 9, 2012 workshop, representatives of both CalFire and the California Geological Survey concurred with this recommendation.

Landowner Concerns

Section F (1) states that Water Board staff shall be allowed "Entry upon premises where timber harvest activities occur".

Recommendation: For courtesy and safety reasons, it should also state "A reasonable attempt will be made to contact the landowner and Registered Professional Forester in advance of a site visit.

The proposed MRP has reporting requirements that will be beyond the electronic capabilities of some landowners. People in remote rural areas do not always have access to internet services and those limited to dial-up internet may not have sufficient bandwidth to transmit electronic forms and photos.

Recommendation: an alternative method of submitting forms and photos should be made available to landowners who wish to do their own reporting.

Eligibility Criteria

The new proposed side slope analysis is complicated, arbitrary and will provide no direct benefit to water quality assessment.

Recommendation: Use the previous methodology of listing linear feet by stream classification.

The five new Soil Disturbance Factor criteria listed on page 12, Section 4.0 of the Staff Report place inappropriate emphasis on arbitrary factors that may not directly affect water quality.

Recommendation: Rely on the numeric criteria listed previously in that section and remove criteria 1 through 5 listed at the end of the SDF worksheet.

Thank you for considering these comments. Please do not hesitate to contact us should you have comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Berlage', with a long horizontal flourish extending to the right.

Bob Berlage
Communications Director

San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006

May 18, 2012

Mr. Mike Higgins
Central Coast Regional Water Quality Control Board (CCRWQCB)
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Draft Order R3-2012-0008 General Conditional Waiver Requirements - Timber Harvest Activities

Dear Mr. Higgins:

The San Lorenzo Valley Water District (SLVWD) appreciates the opportunity to comment on the Waste Discharge Requirements for Timber Harvest Activities in the Central Coast Region, Draft Order R3-2012-0008.

As a public water district that owns approximately 2,000 acres of forested watershed land around its surface and groundwater sources, SLVWD has an interest in ensuring the protection of the water quality of the San Lorenzo Valley. SLVWD policies prohibit commercial timber production on its watershed lands, in order to maximize water quality protection. However, commercial timber harvesting on private forest lands adjacent to its watershed lands or upstream from its water diversions have the potential to impact SLVWD's source water quality.

SLVWD emphasizes the importance of CCRWQCB staff participation in the CalFire THP/NTMP Review Team process and in pre- and post- harvest inspections, in order to ensure CEQA compliance, given that the process has the functional equivalency of an Environmental Impact Report (EIR).

CEQA compliance is necessary to protect beneficial uses of water and other public trust values. While SLVWD supports the use of Best Management Practices (BMPs) as a way to ensure beneficial outcomes, and understands that adequate self-monitoring and reporting could play a role in ensuring that BMPs are indeed being carried out, it is critical that CCRWQCB staff exercise adequate controls to limit and monitor winter operations that are approved for each plan. Plans with winter operations should require tier 3 monitoring and be adequately inspected by CCRWQCB staff. Such inspections are critical to the success the program.

SLVWD also stresses the importance of CCRWQCB staff taking a lead role in selecting actual monitoring sites, based primarily on the site's potential for impacting water quality. Sites should not be selected based on secondary factors, such as ease of access or proximity to other monitoring sites. If a potentially damaging site is too remote to be monitored, then it should be considered too remote to harvest.

Thank you for your consideration.

Betsy Herbert, Ph.D.
Environmental Analyst

cc: James Mueller, District Manager



Santa Cruz County Group of the Ventana Chapter
P.O. Box 604 Santa Cruz, California 95061 831-426-4453
ventana.sierraclub.org
scscrg@cruzio.com

CENTRAL COAST FOREST WATCH

1015 Smith Grade, Santa Cruz, CA 95060 ph/fax 831-426-1697 JodiFred@aol.com

Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
centralcoast@waterboards.ca.gov

May 17, 2012

Dear Board Members,

Re: Draft Order R3-2012-0008 General Conditional Waiver Requirements - Timber Harvest Activities

We participated extensively in the public process to develop the original timber waivers, Order No. R3-2005-0066, for the Central Coast Region. Our present comments on Draft Order R3-2012-0008 will be more abbreviated, but we continue to be concerned about adverse impacts from logging and logging-related activity on watercourses, water quality, listed salmonids and all beneficial uses of water in the Central Coast Region.

Inadequate public notice

We must begin by voicing our concern that two days before the written comment deadline, staff revised the Draft Order, but did not extend the comment deadline. The Public Notice informs us, *"The Central Coast Water Board will not accept written comments or other written submittals on the draft Order after **May 18, 2012**, unless the Chair of the Central Coast Water Board rules that exclusion would create a hardship, and that the late submission will not prejudice any party or the Central Coast Water Board."* Therefore, we must object to the last minute revisions without an extension of the comment deadline.

We sincerely hope the Chair will accept written comments on the revised draft after May 18.

THP Review Team Participation

We would like to again urge your Board to dedicate staff to participate in the Cal Fire CEQA review process for timber harvest approval. CCR 1037.5 (a) establishes an interdisciplinary review team to review plans and "assist in the evaluation of proposed

timber operations and their impacts on the environment.” CCR 1037.5(a) Review Team Composition, identifies the review team members, thusly, “Each review team, when possible, shall consist of a representative from each of the following agencies: the appropriate California Regional Water Quality Control Board, Department of Fish and Game, Department of Conservation, Division of Mines and Geology (California Geological Survey), a representative of county government when the county government so requests,and the Department of Forestry and Fire Protection.”

The Central Coast Regional Water Quality Control Board has been derelict in its duties to review timber harvest proposals, both on paper and on the ground, and submit written pre-harvest inspection comments prior to plan approval. Nor has Water Board staff participated in the office Review Team meetings, even though this can be done via conference line. This is the stage, prior to approval of THPs and NTMPs, at which mitigations can be incorporated into the harvest plans to ensure that operations pose less risk to water quality. In addition, this is the CEQA process upon which timber waivers are based. The Central Coast Regional Water Quality Control Board is the only Water Board we are aware of which routinely neglects to participate as a member of the state Review Team. In so doing, the Water Board misses out on an opportunity to make its voice heard by proposing mitigations to protect the beneficial uses of water under its jurisdiction and denies the public of its right to an open and transparent process involving Water Board (and public) interests.

While the Water Board has chosen to focus resources on the waiver process itself, this process is closed to public input, outside of periodic revisions to the Timber Waiver itself.

The Governor’s office is currently proposing a lumber tax to develop a revenue stream to fully fund review team agencies to participate in timber harvest review throughout the state. *“The assessment will provide a long term funding stream to fund the regulatory agencies, provide opportunities for future restoration of California forests, and increase timber production.”*¹ Assuming these efforts will be successful, we expect that the Central Coast Regional Water Quality Control Board will join the ranks of Regional Water Boards and become a fully active member of the Review Team process.

Best Management Practices (BMPs)

Per Item 12 in the Draft Order, *“The USEPA has not approved the State Water Board’s certification of the California Forest Practice Rules and administering processes for regulation of timber harvest activities on nonfederal lands in California.”* To be clear, this refers to certifying the Forest Practice Rules as Best Management Practices.

CCR 4514.3. Exemption from waste discharge requirements; conditions. (a)

Timber operations conducted pursuant to this chapter are exempt from the waste discharge requirements of Article 4 (commencing with Section 13260) of Chapter 4 of Division 7 of the Water Code *as long as* both the federal Environmental Protection Agency and the State Water Resources Control Board certify after January 1, 2003,

¹ Governor’s May Revise, <http://www.ebudget.ca.gov/pdf/Revised/BudgetSummary/NaturalResources.pdf>

that the provisions of this chapter constitute **best management practices for silviculture** pursuant to Section 208 of the Federal Water Pollution Control Act. (emphasis added)

The waiver program was required to be created and implemented, because this certification has never occurred. For the Waiver to be referring to Best Management Practices, or BMPs, is not only confusing, it is inaccurate. The Waiver needs to find another term to use to refer to mitigations incorporated into timber harvest plans to protect water quality, until such time as the Forest Practice Rules are certified as Best Management Practices.

Note, Cal Fire does not refer to the mitigations in THPs as BMPs.

Staff Inspections

We find that staff provides insufficient information on the 17 post-harvest inspections conducted representing just 30% of the enrolled timber harvest operations. The report neglects to provide information on what criteria were used for choosing which plans to inspect, what time of year inspections were conducted, when relative to storm events such inspections were conducted, how many were performed per harvest plan, and other information which would inform the public and enable us to comment in a useful manner. Without more information, it is impossible for us to evaluate the effectiveness of the inspection program.

We are informed that staff 'visually evaluates surface water quality'. This is largely a meaningless exercise, unless conducted within 12 hours following significant storm events. Most streams in the Central Coast are very 'flashy', that is visible turbidity clears quickly following storm events. However, we have seen that some streams exhibit visible turbidity for longer periods, or on occasion when no storms have recently occurred. Unfortunately, the Staff Report does not inform us of the results of those visual evaluations. We found the chart in Appendix A difficult to understand.

We find it unfortunate that 70% of harvests were not inspected by Water Board staff at all, apparently either prior to harvest, during or post harvest. We sincerely hope that staff will be directed to conduct a greater number of inspections in the future.

Hillslope Monitoring Program (HMP)

We would like to share more information from Cal Fire's Hillslope Monitoring Program, as our review led us to different conclusions than those formed by staff. Our understanding is that the THPs reviewed under the HMP were not strictly random, rather they were only from harvested sites where property owner permission was granted. This, of course, could skew the data assuming that permission was not granted on more problematic sites. But rather than speculate, we provide the following passages from the HMP (emphasis added):

pg. 56-57

The field team rated the implementation and effectiveness of FPRs at problem points for specific components of watercourse crossings when they were

encountered during the field inspection (Table 26). A total of 482 problem points were recorded under the general categories of crossing fill slopes, road surface drainage to the crossing, culverts, non-culverted crossings, removed or abandoned crossings, and road approaches at abandoned crossings. **Problem points were identified on 45 percent of the crossings**, indicating that deficient crossings often had more than one problem point. **The most frequent problems were: culvert plugging, diversion potential, fill slope gullies, scour at the outlet of the culvert, ineffective road surface cutoff waterbreaks, and fill slope mass failures.**

To determine if the high overall rate of crossing coming from older crossings or continuing under current Rules, the database was queried to separate results from existing crossings, newly installed crossings, abandoned/removed road crossings, and skid trail crossings (Table 26). This revealed that the **88 new crossings had 68 total problem points, the 313 existing crossings (including culverts, fords, Humboldt crossings, and bridges) had 366 problem points, the 61 abandoned/removed road crossings had 43 problem points, and the 29 skid trail crossings had five problem points, which gives average values of 0.77, 1.17, 0.70, and 0.17 problem points per crossing for new, existing, abandoned/removed, and skid trail crossings, respectively.** A two-sample T test was used to test the difference between the means of the number of problem points for existing and new culverted crossings (the results are displayed in Table 27). This analysis revealed that the average of 0.77 problem points for new culvert crossings is significantly different (<0.01) than the average of 1.22 problem points at existing culverted crossings. However, problem points related to diversion potential, fill slope gullies, culvert plugging, and cut-off waterbreaks on roads draining to the crossing were still relatively common at new culvert crossings.

Pg. 74 shows that **251 Existing Culverts had 306 problem points and 83 New Culverts had 64 problem points.**

Pg. 75 "**Sediment delivery to watercourses is assumed to be 100 percent at crossings since these structures are built directly in and adjacent to the channels.** Therefore, the evaluation of sediment delivery from the various types of problems associated with crossings was not conducted."²

We believe that the HMP supports implementation of adequate mitigations and monitoring to ensure that roads and culverts do not contribute to sediment pollution of streams.

Winter Operations

We continue to believe that winter operations provide a higher risk to water quality. Even if conducted during extended periods of dry weather, rains will ultimately follow. Daylight

² Cafferata, P.H., and Munn, J.R. 2006. Hillslope Monitoring Program: monitoring results from 1996 through 2001. Monitoring Study Group Final Report prepared for the California State Board of Forestry and Fire Protection. Sacramento, CA.

hours are reduced during the winter, making successful seeding of roads and landings difficult, if not impossible. There will also be little opportunity for leaf fall to cover bare soils prior to commencement of rains, and there will be more chance for surprise rains, or heavy rains to erode loosely compacted soil on recently disturbed road and landing surfaces, as well as areas where logs have been skidded through the forest.

Therefore, we strongly urge your Board to continue to place all plans with winter operations in at least the Tier III category.

Harvest Rate

In Appendix C, Staff says that the proposed CER 'assigns additional risk to acreage harvested within five years before enrollment.' However, it appears to us from the example that the five-year risk is averaged with the 15-year risk, thus reducing the risk level. This is inappropriate.

We believe that the CER should be based on 15-year harvest rate, as impacts can last for years. Appendix C also discusses return of pre-harvest canopy recovery under Harvest Rate. Impacts are not from canopy reduction alone. It is largely the roads, slides and slope failures that are a sediment source in areas of selection harvest. These roads are re-opened with every entry. Many impacts do not occur until significant rain events and saturated soil events, which may not happen within 5 years of harvest.

Thus, 15-year harvest rates are appropriate to utilize for ranking risk.

Choice of Monitoring Sites

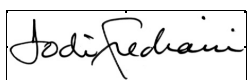
We feel it is inappropriate for the RPF to choose monitoring sites. Staff should participate in pre-harvest inspections for each timber harvest and can review monitoring sites for appropriateness at that time.

Renewal of expiration date of existing Timber Waiver, Order R3-2012-0007

We understand from the Water Board website that expiration date of the General Conditional Waiver for Timber Harvest Activities was extended (Adopted) on February 2, 2012. However, on review of the minutes for that meeting, Item 17, the number for the extension, is not included. We would expect that any item voted on by the Board would at least have a mention that such action occurred. We find this omission to be both highly irregular and most confusing. In the interests of transparency, we hope the Board will ensure that in the future, all such actions are duly noted in minutes of the Board's meetings.

Thank you for this opportunity to comment.

Sincerely,



Jodi Frediani



May 18, 2012

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

by electronic mail to: <centralcoast@waterboards.ca.gov>, <mhiggins@waterboards.ca.gov>

Re: MRP No. R3-2012-0008, General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities In The Central Coast Region- Monitoring and Reporting Program

Central Coast Regional Board and Staff:

These comments will address this program in general as well as the MRP. The Conservancy participated extensively years ago in the original process of the development of this permit after State law changed and the various Regional Boards were obligated to issue their own permits for pollution discharges from logging operations. This authority had previously been conveyed to the discretion of CDF. The State Legislature voided that prior agreement in about 2000.

Pardon me if I am blunt, but I have watched this process for years and I am very experienced with the review of logging plans in California and with the administrative laws and procedures involved. This permit is largely administrative nonsense. It does very little to nothing to protect water quality in the Santa Cruz Mountains.

Fully 25% of the entire land area of Santa Cruz County is zoned for commercial logging. There are many timberland owners who together own thousands of acres of timber use zoned land in this County. This discharge permit may be of only minor interest to your staff when compared with the perchlorate pollution of drinking water supplies or the catastrophic agricultural pollution of the Salinas Valley, but it is a significant issue in Santa Cruz County. We have several endangered and now a fully extirpated aquatic species reliant on water quality from these timberlands. Major drinking water supplies in this County are diverted from surface waters. In winter Monterey Bay turns mud brown off the coast of Santa Cruz County from absolutely massive sediment discharges, no small part of which has its source in our timberlands and from our forested mountain range.

I have attended a number of THP Pre-Harvest Inspections (very unusual for members of the public, who are generally excluded), many review team meetings, and many meetings of the CA Board of Forestry. I know the CA Forest Practice Rules better *than do any staff member of your agency*.

As this Waiver was originally being developed, the Board and Staff at the time were focused on the monitoring of turbidity as a surrogate for suspended sediment. Extensive evidence was presented to demonstrate how difficult it was to monitor pollution from a logging operation in this way. From a practical standpoint, real time monitoring of sediment discharge can only be done successfully with installed automated systems. These are only common in very expensive scientific studies.

Eventually, after much comment from the timber industry and others, this permit devolved into

reporting based upon photo points and "visual" monitoring and reporting. This entire permit is founded upon self-reporting by the discharger.

No representative data is included in the Staff Report for this item. The public thus has no practical opportunity to assess for themselves if the program is even receiving valid reports from the timber operators and RPFs (licensed foresters). Even if it were, it would be close to useless.

I personally requested and reviewed the photo data collected when Julia Dyer was the staff person for this permit a few years ago. Some of those photos included pictures of log-yarding equipment or the forester's dogs. Almost none of the photos at the time were useful to determine anything about the sediment pollution that was inevitably occurring.

Much is made of the fact that clearcutting is not allowed in coastal mountain ranges south of San Francisco Bay. This fortunate fact has led to considerable confusion about the water quality impact of logging operations in this region. Statements by your own Agency asserting "little to no impact" upon water quality from timber operations were used to weaken the CDF stream protection rules in 2009, when the Board of Forestry changed the WLPZ (Watershed Lake Protection Zone) regulations as part of the updated rules for logging in endangered salmon habitat across California. I attended those Board of Forestry hearings and vociferously protested this change to the code.

The Santa Cruz Mountains now, as a result, have the weakest WLPZ standards for logging in all of migratory salmon habitat from here to the Oregon border. This bizarre change coincided with the functional extinction of coho salmon from the Santa Cruz Mountains.

All logging operations release sediment pollution, and logging in this mountain range is no exception. It is very steep, contains extremely erosive cohesionless sandy soils and extensive landslide networks. It is subject to intense rainfall. All logging plans bulldoze dirt roads, log landings, tractor and cable skid trails, and temporary and permanent stream crossings. Hardwoods are sometimes clearcut for fuel-wood in secondary logging after the valuable conifer trees are cut and removed from the site by the primary contractor. I have seen logging sites here where the entire hardwood component was felled on the ground simply to make the removal of redwood trees more efficient. Sediment is discharged from every logging site as a direct result of the logging operation, often to a large and harmful extent. This sediment discharge is quick and episodic in response to rainfall. Smaller fish bearing streams carrying huge and chronic sediment loads clear within hours after the end of rainfall. This is true for all sediment sources, not only those sources associated with commercial logging. We have many very badly managed home-sites and residential road systems that are part of the overall pollution problems. The MRP is useless in the face of this reality.

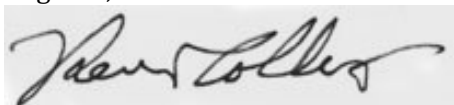
What Useful Action is Available and Simple for your Board to Implement?

The Regional Board must participate as a member of the CDF Review Team process of logging plan review. The California Code of Regulations establishes the Review Team Composition in the Forest Practice Act. The Act specifies Pre-Harvest Inspections (PHI) with the appropriate Regional Water Quality Control Board, the Department of Fish and Game, the Division of Mines and Geology (California Geological Survey), and a representative of county government. State Parks, USF&WS and NOAA-NMFS sometimes also participate. In Santa Cruz County a member of the affected neighbors can also attend. I attended a PHI under that rule. The Review Team inspects the logging site and discusses with the forester and decides how logging will be done, how much of the forest will be removed, where the roads and stream crossings will be placed, and how

they will be built etc. If the Regional Board objects to the operational terms of a logging permit, it has the legal authority to stop logging operations in CWA Sec. 303(d) impaired watersheds. In every instance the Regional Board can issue a "non-concurrence" and then impose an amended MRP to specify effective monitoring.

This is the means that the Regional Board has to affect logging **conduct**. It is the conduct of logging operations that determine the levels of sediment discharge, not after-the-fact monitoring and reporting. The MRP plan is altogether useless and serves only to appear to validate the legal obligation of the Regional Board. It has no practical effect upon improving water quality.

Regards,

A handwritten signature in black ink, appearing to read "Kevin Collins", is displayed on a light gray rectangular background.

Kevin Collins

Signing also is:

Nancy Macy
San Lorenzo Valley Women's Club
P.O. Box 574
Ben Lomond, CA 95005

Mike Higgins - PUBLIC COMMENT - TIMBER WAIVER of WASTE DISCHARGES 2012 (due may 18)

From: N.D.Fenton <nanidrew@comcast.net>
To: Mike Higgins <Mhiggins@waterboards.ca.gov>, <centralcoast@waterboards.ca...>
Date: 5/18/2012 5:27 AM
Subject: PUBLIC COMMENT - TIMBER WAIVER of WASTE DISCHARGES 2012 (due may 18)
CC: <vwhitney@waterboards.ca.gov>, <callen@calepa.ca.gov>, <nkunz@waterboard...>

COMMENTS TO THE CENTRAL COAST WATER QUALITY BOARD

REISSUANCE OF CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
 DRAFT ORDER NO. R3-2012-0008 FOR TIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST
 REGION

DATED May 18, 2012

BY DREW FENTON, BOULDER CREEK, and SUNBEAM WOODS ASSOCIATION.

email: nanidrew@comcast.net

Many False statements should be corrected for quality assurance and public trust. Can you give this to your attorney to reply?

The Notice to Public dated concluded "*Proposed Timber Order includes the same Findings, Prohibitions, and Provisions of the existing Order.*" A red-line version not provided by the water board will inform the public that the findings, prohibitions and provisions are not the same.

SIGNIFICANT CHANGES FROM ALL PRIOR ORDERS and MRPs TO PROPOSED ORDER and MRPs.

- 1) The proposal is a "REISSUANCE" and not a "RENEWAL" Waiver of Waste Discharge for Timber Harvest projects. The Water Board is offering an entirely different and new way to waive pollution discharges, without discussion. The regional water board, per WC "may issue a renewal of waste discharge requirements". A Reissuance is expected to be an entirely new program which lacks CEQA EIR. Please draft an EIR for public review and new effects this new program will have on the new and current conditions where this will apply.
- 2) DELETED: #5. *The Central Coast Water Board, in compliance with CWC Section 13269, reviewed the previously issued categorical waiver for timber harvest activities (Central Coast Water Board Resolution No. 89-04, Water Quality Control Plan (Basin Plan) Appendix A-23) and determined that it should not be renewed.* Request that the Water Board members follow their own determination and not renew waiver for timber harvest.
- 3) The sentence "*Discharger's initial NOI constitutes a report of waste*" [discharge] replaces prior requirement "*to submit a report of waste discharge*" SIGNIFICANT CHANGE! A one page application to enrol in water discharge reporting program is the notice of intent. The NOI is going to be the requirement and conditions of reporting, which doesn't report anything, its an application. The reporting of waste discharge is no longer required from the Discharger. The program is entitling the discharger to violate the law.
- 4) DELETED: from prior waiver **Site-specific** requirements on Timber Harvest Plan locations based on **site-specific** conditions.
- 5) DELETED: (was in the 2009 ver.) in CERTIFICATION BY LANDOWNER all references to **site conditions** on the property, that the **NOI accurately represents site conditions**.
- 6) DELETED from CERTIFICATION "I also understand that I am ultimately responsible for compliance with all conditions of any Waste Discharge Requirements or Waiver of Waste Discharge Requirements (including Order No. R3-2005-0066) and associated Monitoring and Reporting Requirements issued for the above-referenced activity." Deletion not disclosed, how is deletion justified?
- 7) CHANGED is "under "Penalty of perjury" to "Penalty of law". Necessity, justification, reasons requested.
- 8) Page 1 AND throughout The word "ensure" is replaced by "assure" Assure is to *promise*; but Ensure: to make sure something will/won't happen. To promise is different than to make sure. A breach of a "promise" is unenforceable.
- 8) Page 2 – Implementation monitoring now reads to inspect existing or new "infrastructure" failures prior to the rain season (October) and to report those failures on Nov 15. As change reads, if any failures happen after

Item No. 12 Att. 4
 WDR Timber Harvest

November, the Discharger has to wait for up to 10 months after “failures” to report them. Evidence of any failures will likely not exist, Does that give the Discharger 11 months to correct and not report? A New requirement of implementation monitoring needs CEQA analysis.

9) Page 2 Site access by waterboard staff is removed from waiver. Discussion requested.

10) Page 2 Added new frequency monitoring from after discharge event

11) Page 2, The Section on “IMPLEMENTATION AND EFFECTIVENESS MONITORING AND MONITORING FREQUENCY” is deleted and replaced with requirement to visually monitor (but no requirement to log it) and deleted the monitoring points (where to look to monitor). Comprehensive monitoring has never occurred since implementing waiver program in 2003 (9 years) and has undergone dramatic reversal of changes.

12) IMPLEMENTATION AND EFFECTIVENESS MONITORING AND MONITORING FREQUENCY has been removed from condition of waiver. Explanation requested

13) Page 3 Effectiveness Monitoring changed frequency monitoring from 3 x per year during harvest 5-year plans to four annual inspections after completion of the harvest. SIGNIFICANT CHANGE! A the actual timber construction harvesting activities may take only 3 months in a 5 year plan. This new offer can let up to 9 years after a discharge or failed management apparatus, so no evidence when inspecting will exist. Enforcement impossible. CEQA EIR Required.

14) Page 3 Visual and Photo monitoring requirement is replaced with only required after a 100-year storm event. Description is a joke.

15) Page 4, Forensic Monitoring is changed, inserted is the term “best” when it was just “management practices”. The FPA does not use BEST MANAGEMENT PRACTICES, the board cannot impose an entirely new way to practice forestry! As written, Compliance or enforcement with Forensic Monitoring cannot occur. BMP Best Management Practices (40 CFR 130.2(Q)) are not written into the forest practice act. No statement that the FPA will be changed to include BMP practices so BMP cannot be expected be followed, enforcement impossible.

16.) General - A condition is that the Best management Practices are followed (but relies on it being applied in a THP - an impossibility and enforceable. Calfire has been denied certification as implementing BEST management practices, and found not to practice BMP’s by US EPA for water protection. A Water Board’s certification of Calfire or the Resources Agency is irrelevant, are without authority to make claim or certify, doesn’t have the expertise to assess a THP or FPA, nor has submitted evidence that CALFIRE does practice BMP)

17) Page 4 Added word: from preventing discharge to preventing *additional* discharge! SIGNIFICANT CHANGE! Preventing a discharge is ambiguous enough without any baseline, and preventing additional discharge without any reference is absurd, never enforceable. No base line measurement is assessed, no. This language makes it OK to discharge, as long as its not additional (never defined) Can only result in continued serious degrading, and destruction to Steelhead Trout habitat and uses of water.

18) DELETED the reporting requirement of minimum 1 cubic feet discharge. Justification requested.

19) Page 4 TEMPERATURE SECTION and Turbidity sections deleted. Purpose, need and justification requested,

20) DELETED: Requirement to maintain logbooks (monitoring) to document visual inspections, water analysis data, documentation of maintenance, repair of management practices, dates, and that it be available for inspection by staff. Please justify this deletion. Records to find that the board’s waiver program’s failure avoids collection of data is planned –

21) SUBSTITUTION of the SEDIMENT RELEASE REPORTING requirement is changed to VIOLATION REPORTING. Its not clear, but understood to be a violation of the FPA – is Calfire’s jurisdiction. Calfire does not take measurements of sediment release, is not qualified, will not report it, nor issues NOV’s for it. SUBSTANCIAL CHANGE necessitates CEQA analysis for the impacts on this deletion. Public lack of disclosure and discussion, not justified. It announces to the industry that sediment release (and correction) is no long reportable. This will influence cost cutting continuing maintenance of erosion control measures, increases carelessness and costs associated with preparation of sediment prevention acts. An allowance for THP dischargers to violate the CWA, and another allowance of not reporting it another violation. The requirement in a waiver shouldn’t mean that pollution dischargers and volumes be ignored and conflicts with Basin Plan, TMDL. Cost analysis of avalanche of increased deposits should be submitted. Notification to NOAA for “take” of ESU species and Coho determination should be referred.

22) ANNUAL REPORTING REQUIREMENT is deleted without any mention or justification .

23) ELIGIBILITY CRITERIA is DELETED for a new non-peer reviewed and seeming irrelevant EC substituted, without much discussion on need, purpose, justification, why change from prior EC. The discussion provided

by staff is non-sense with illogical jargon, public is unable to comprehend the reasoning, or connection to the prior EC or new EC. It appears as if all plans will automatically take the Tier 1 position, based on 100 year storm probability occurring. SUBSTANCIAL CHANGE requires new CEQA EIR.

24) CHANGE in Para 16 requires the Discharger to implement practices to control water quality “effects” instead of “impacts”. Explain please.

25) Paragraph 9. DELETES “impacts of” and inserts “effects from” Central coast should know what and how to describe their regulatory purpose.

26) SIGNIFICANT DELETION Para 1 end of ORDER – DELETED “the requirement to submit a report of waste discharge” from paragraph.

27) The ORDER is not clear, “waste discharge” is not specific, it could be from an oil spill; also para is confusing . “that are not subject to ... waste discharge requirements”; The proposed Order is titled GENERAL CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS” and is not the same as “general conditional timber harvest waiver requirements” – Poorly written.

In accordance with CWC Section 13269, the waste discharges related to timber harvest activities in the Central Coast Region, that are not subject to individual conditional waivers or waste discharge requirements, shall be regulated by general conditional timber harvest waiver requirements, are hereby waived subject to the following conditions:

28) PARA 1.B. NEW INSERT (in caps) The Discharger shall submit a Notice of Intent (NOI) on the attached form (Attachment A) or on such other form that the Executive Officer requires. THE NOI CONSTITUTES A REPORT OF WASTE DISCHARGE. [the NOI does not contain information a reporting of waste waiver requires, cannot substitute as the report of a discharge.

29) THE Order Requires discharger to conduct activities with all applicable sections for the Forest Practice Rules, THUS, those rules and the THP must be included in this waiver for it to be enforceable. Repeated references not incorporated in the document are not legally enforceable,

30) Water board staff is unable to asses compliance with another agencies jurisdiction. They cannot rely on the CalFire to enforce water quality violations.

31) No stream temperature is measured, how can anyone know alteration occurred or was exceeded? How dysfunctional.

32) 1.K. DELETED: Water Code requires evidence be provided to justify reporting by Discharger. Evidence discussion and included that is relevant and current and shows to discharger and public must be gathered and presented. Evidence that supports the need for this information was presented at the July 8, 2005 meeting of the Central Coast Water Board, the staff report for Item 26 at that meeting, and Monitoring and Reporting Plan No. R3-2005-0066.

33) DELETED as seen in the 2009 waiver for THP 1-06-187 SCR (Pacific Skyline Boy Scout Ranch) (R3-2005-0066) on April 28, 2008 (64 pages) “Rain gage Location. Rainfall will be based on data as measured at CA Dept of Water Resources Boulder Creek Station <http://cdec2.water.ca.gov/cgi-progs/queryFx?BDC>” New additions for where and when and what altitude rain can be measured are not offered as it was in 2009 from ‘official’ source. Please justify.

34) DELETED: Requirement form “Timberland Harvest Plan Fact Sheet” to supplement to be used in the approval process

35) DELETED: Maps showing monitoring locations

36) DELETED No “*standard operating procedures*” attached as exhibits to waivers, thus no standard procedure can be followed, waiver is unenforceable (changed from MRP 2007 -12 waiver.

37) DELETED Logbooks required to include documentation of maintenance and repair of management practices.

39) DELETED The Central Coast water board determined the timber waiver should not be renewed, why is it being renewed then? [Order Paragraph 5 of prior order that was deleted]

OTHER COMMENTS

40) ENFORCEMENT FOR PAST VIOLATIONS NOT ADDRESSED Several NOV have been issued to Discharges, a discussion of compliance disclosure, correction, payment, how assessed must be a part of this proposal and, is made here. COMPLAINT INVESTIGATION IGNORED PERSONAL COMPLAINT MADE BY DREW FENTON in 2009, 2010 and 2012. COMPLAINT: Approx 6 deep pools exist at the Camp Lindblad THP (2006-2007) before harvest one pool measured 6 feet. After harvest the pool filled with almost 5 feet of silt as a direct result of the harvest. Serious violations and information has been submitted to enforcement

staff, yet not discussed, public reporting has been ignored, continuing the sediment/silt discharges for several years. No follow up or investigation has been done and doesn't follow the basin plan guide "IV.B. COMPLAINT INVESTIGATION Complaint Monitoring involves investigation of complaints of citizens and public or governmental agencies on the discharge of pollutants or creation of nuisance conditions. It is the responsibility of the Regional Board to address the complaint, including preparation of reports, letters, or other follow-up actions, to document the observed conditions, and to inform the State Board, complainant, and discharger of the observed conditions. The Lindblad THP CONTAINS FALSE STATEMENTS AND CONCLUDED Conclusion In light of the mitigation measures proposed, no cumulative adverse effect on sedimentation, stream water temp, organic debris or peak flow is likely. This project presents no reasonable potential to cause or add to significant adverse cumulative effects to the Kings Creek watershed resources. "

41) NO DATA, NO REPORT OF ALLEGED SUCCESS CLAIMED, EVIDENCE OF ONLY COMPLETE FAILURE OF WAIVERS: Success of the current program is measured "Are timber harvest activities, including implemented management practices, in the Central Coast Region protective of water quality?" Water Board staff has answered this question based on observations during preharvest, active harvest, and postharvest inspections as well as an *evaluation of the turbidity, temperature, photo, and visual inspection logs*. Water Board staff has concluded that timber harvest operations in the Central Coast Region are generally not or only minimally impacting water quality.

42) The entire scheme omits simple headwater springs volume, flow, existing measurement of sediment, conditions unknown yet available to water board, no baseline, or discussion of monitoring results. No Trend or other simple analysis was provided. Report makes false statements

43) Water board fails to mention the fact that the 90 rivers/creeks listed in California on the US EPA 303 impaired list contains only (2) in the state that are ONLY sediment impaired. Of the 18 rivers in Santa Cruz county, all are on the 303 impaired list, and 15 are ONLY sediment impaired. This waiver ignores information available to the water board such as this. It is an atrocity, and created and caused by the water board and occurred after the time the water board began their WAIVER program for logging industry. Clean Water Act section 303(d) requires the Central Coast Water Board to identify all impaired streams in the Central Coast Region and the pollutants causing the impairment. Central Coast Water Board staff develop watershed-specific TMDL studies that identify the means whereby the stream shall be restored to an unimpaired condition and the Central Coast Water Board amends the Basin Plan to mandate implementation of the actions recommended in the TMDL. The staff claims that "The 303(d) list includes 11 streams and rivers **potentially** affected by sediment discharged from timber harvest areas " 303 LIST CONFIRMS SOURCE, IS NOT 'POTENTIALLY' AFFECTED, IT IS A FACT THAT IT IS INUNDATED WITH SEDIMENT- PLEASE JUSTIFY correct FALSE information

44) No discussion as to the type of discharge being released and its effects. Please make the finding that The main impacts from sediment are to anadromous fish habitat: spawning gravels, pools and riffles. Sediment and silt discharges are the types of discharges that should be mentioned, and discussed in detail. Further, discussion of the activities in a timber harvest plan will guarantee, like road associated problems (cannot be avoided if logging in streams and stream sides).

45) No assessment of outcomes during the last 9 years. Monitoring and Reporting must be made available to the public, request that it be published immediately. On Feb 2, 2012 the staff report states the waterboard needs more time to obtain information, that a 24 month extension be approved (to 2014).

46) The type of program is woefully inadequate, waiver/conditions cannot assess short term impacts and discharges by logging ops, as they log one site for a couple months and then move onto another parcel to log. The waiver never discusses the characteristics of the specific operation, the level of waste discharge, relative threat to water quality (i.e., site-specific information requirement was deleted.)

47) This waiver requires discharger not violate a THP issued by CALFIRE; the plan is written by a private forester to comply with the Forest Practice Act, not the California Water Act. An RFP is not going to draft a timber harvest plan that includes appropriate implementation to reduce discharge pollution. Is this a denial that there is sediment in our rivers? Timber harvest operations conflict with water quality protection. You can't have both, either one or the other. "The THP process has been certified (pursuant to PRC Section 21080.5) to substitute for the EIR process under CEQA [FOR

TIMBER HARVESTING, NOT FOR PROTECTION WATER

48) The Central Coast Water Board finds that the adoption of the "General Conditional Waiver of Waste Discharge Requirements - Timber Harvest Activities" will not have a significant impact on the environment and will be in the public interest. The "conditions" are in the THP and not in the conditional waiver or order. The timber waiver is not legally enforceable in any court. (b) the applicable eligibility documents have been changed and will have significant impacts without discussion, public interest has changed and is not in the public interest. (c) compliance with what applicable plans and policies? Please insert in Order or MRP or EC, the entire THP

49) THE NEW "CERTIFICATION" IN THE NOI is legally inadequate and could never be enforced because it relies on hearsay, and not the person's own knowledge who is actually signing it.

50) Significant Irreversible Environmental Changes Which Would be Caused by the Project Should it be Implemented TMDL IMPLEMENTATION BEGAN IN 2003, ITS BEEN ALMOST 10 YEARS – AND DURING THAT TIME SEDIMENT INCREASE 4X – THIS WATER BOARD CANNOT ISSUE MORE WAIVERS UNTIL SOME PROGRESS MADE ON SEDIMENT DISCHARGES. The SLR TMDL states sediment must be reduced by 27%. *The public would like to view the required mentioned report mentioned by waterboard: Beginning 2003 required 3 year reviews to track implementation actions and the effectiveness of management practices to determine whether to continue with Tier I. Waterboard's claims are not reflected in its Program, "TMDL will be achieved by implementing the SWR control boards non point source pollution control program plan. Resolution 99-114 adopted 12/4/1999. 2003 TMDL for the san Lorenzo river was adopted and requires reductions of embeddedness and fraction of sediment particles less than 4mm in diameter. No discussion, report or measure of this reduction is offered.*

51) "TAKE" of species should be determined by federal agency is requested, and made here.

52) The waiver plan has not been approved by the OAL. The water board may enforce per CWC 13304 to require discharges to clean up and abate sediment discharges . .

53) SEDIMENTATION RATES ARE 4X OF NORMAL RATES IN SAN LORENZO RIVER. Water Quality Control Plan for the Central Coastal Basin June 2011 (Including Amendments Effective Through June 8, 2011) will be violated. As reported: "EROSION RATES WERE TWO TO FOUR TIMES NATURAL RATES due to watershed disturbances"

IX. B. SAN LORENZO RIVER TOTAL MAXIMUM DAILY LOAD FOR SEDIMENT (INCLUDING CARBONERA CREEK, LOMPICO CREEK, AND SHINGLE MILL CREEK) TMDL ELEMENTS Problem Statement: The natural processes of erosion and sedimentation in the San Lorenzo River Watershed have been accelerated due to anthropogenic watershed disturbances. Studies conducted by various authors have concluded that erosion rates were two to four times natural rates. These studies have also documented and quantified the decline in anadromous fisheries and the quality of fish habitat. Excessive Sedimentation has interfered with the beneficial uses of these waterbodies including, Fish and Wildlife (RARE, MIGR, SPWN, WILD). Forest Lands - Landowners and operators of forest lands, where timber harvest activities are conducted, will implement timber harvest management measures and perform monitoring and reporting pursuant to the General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities and the Monitoring and Reporting Program, Order No. R3-2005-0066. This is an existing, on-going activity."

54) Since June 2009, the board implements a different program (R3-2009-0041, and R3-2010-0041) and is very different than the 2005 version. Requirement that the Board ditch this gutted plan and keep the one mentioned in paragraph 53 above (R3-2005-0066). and says "Pursuant to the General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities and the Monitoring and Reporting Program, Order No. R3-2005-0066. This is an existing, on-going activity."

55) The Timber Order and Monitoring and compliance documents do not require compliance with water quality standards and is not clearly enforceable, as required by Water Code section 13269. It would limit the Board's authority and discretion to enforce when the Board finds or measures discharges of wastes or exceedances of water quality

standards by defining compliance with the “waiver” as implementation of water quality practices, rather than compliance with water quality standards as required by the Water Code and the State Water Resources Control Board’s “Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program” (NPS Policy).

Furthermore, past orders and MRPs have not address the severe water quality conditions in areas and the significant impacts to water quality resulting from sediment discharges

56) REQUEST THAT MONITORING RESULTS BE AVAIL. Water Code section 13269 requires that results from monitoring required as a condition of a waiver must be made available to the public.

57) The Reissuance of Timber Harvest Waiver plan is not consistent with CEQA Guidelines section 15162, the Central Coast Water Board is required to prepare a subsequent or supplemental CEQA document because Revisions proposed in this action constitute substantial changes from the previously approved projects; involve new information, and will result in new or more significant environmental effects than those reviewed in the previous CEQA substitute environmental documents. The action revises previously adopted Basin Plan with significant substantive changes without including substitute environmental Documents for this action, nothing listed for this action. Deletions/changes in all documents will cause all prior claims, reports, CEQA review and justifications not pertinent for this waiver, esp. to this “last” 5 year program, is altered and considered new “reissuance” waiver program, is significantly changed since the last CEQA analysis. Assessment of the potential and disclosure of the proven already cumulative, single, serious, major impacts caused by the timber waivers must be communicated to the public.

58) NO EXTENSION ALLOWED! a blanket waiver has been in place for 5 years, and should not exceed 5 years, thus should not be issued” CWC Section 13269 further provides that any such waiver of waste discharge requirements shall be conditional, may not exceed five years in duration, and may be terminated at any time by the board” This Waiver shall not create a vested right and all such discharges shall be considered a privilege, as provided for in CWC Section 13263” Waiver has been implemented since 2002, over 10 years. industries are already afforded additional years of special privilege Another 5 years was specifically prohibited. During this time, I have personally witnessed a serious and critical destruction of the watershed, its species, the redwoods, is wasteful. If the CWB approves another 5 year waiver it will ensure possible destruction of the entire watershed, its headwaters, springs, the area will be considered ‘wasteland’ Any decision to allow the waiver to continue this destructive trend will effectively destroy all watershed previously for the last 30 years protected and much public moneys, projects, systems, improvements will have been wasted. A waste of public resources and funds will be valued at over 100,000, thus this WAIVER activity must be assessed by the federal resource management OMB for compliance with at least the public necessity, and ESA LAWS.

59) Significant threats to water quality has occurred. During the last two years, the steelhead trout and its macrovertibrate has TOTALLY DISSAPPEARED in KINGS CREEK, Boulder Creek, CA.

60) The USEPA has determined that CalFire does not implement the Best Management Practice and has refused to CERTIFIY the agency as a CUP. The water board has no authority to determine if the CALFIRE implements and BMP, which is clear by the EPA calfire DOES NOT

61) The USEPA has not approved the State Water Board’s certification of the California Forest Practice Rules and administering processes for regulation of timber harvest activities– this waiver attempts to claim that the Water Board and the Board of Forestry and Cal Dept of Forestry certify the agency as using best management practices. Clearly, the state is unable to certify agency under a waiver. REQUEST THAT THIS PROJECT BE REQUIRED TO OBTAIN FEDERAL NDWPS PERMITS FROM THE EPA. The CWA does not issue FEDERAL Waivers for NDPS permits.

62) OTHER TIMBER WAIVER PROGRAMS IN THE STATE CAN SHOW BETTER PROTECTION THAN WHAT SANTA CRUZ COUNTY RECEIVES. 6 full time employees are engaged in the program whereas ½ time employee allowed to Central Coast staff. Budgeting information and how it is allocated is request, and justification of lack of staff.

63) Of all the counties under the central coast jurisdiction, only ONE is being affected by the program and appears politically manipulated, and science and fact is omitted. The unincorporated areas of Santa Cruz mountains have been targeted for their redwood trees, and is theft of the residents resources without their consent or knowledge. Environmental Justice analysis please.

63) FINALLY, Conditions in other regional areas differ greatly. PLEASE FOLLOW THE COAST VALLEY'S RECENTLY ADOPTED WAIVER PROGRAM'S CONDITIONS.

1. No timber harvest activities on slopes greater than 60%.
2. No tractor or heavy equipment operations on slopes greater than 50%.
3. No construction of new tractor roads on slopes greater than 40%.
4. No timber harvest activities within any Special Treatment Area "type a" or "type c," as defined in 14 CCR 895.1, except hauling over existing roads that complies with the rules associated with that Special Treatment Area.
5. No tractor or heavy equipment operations on known slides or unstable areas.
6. No new construction or reconstruction, as defined in 14 CCR 895.1, of logging roads, landings, or watercourse crossings.
7. No timber harvest activities within the standard width of a Watercourse and Lake Protection Zone or Equipment Limitation Zone, as defined in 14 CCR 916.4 [936.4, 956.4](b) and (c), except for use and maintenance of existing permanent roads, use of existing bridges and existing culverts as skid trail crossings, and maintenance of associated drainage facilities or structures.
8. No timber harvest activities that may disturb, threaten, or damage known or potential aquatic or wetland habitat for rare, threatened or endangered plants or animals.
9. No timber harvest activities within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.
10. No timber harvest activities on soils with High or Extreme Erosion Hazard Rating.
11. No heavy equipment operation in meadows or wet areas, except use and maintenance of existing roads and associated drainage facilities or structures.
12. No timber harvest activities during the winter period from October 15 through May 1 or under saturated soil conditions as defined in 14 CCR 895.1 where such activities may result in discharge of waste to waters of the State.
13. No timber harvest activities involving mechanical site preparation, as defined in 14 CCR 895.1. (Timberland Conversions excepted)
14. No timber harvest activity
14 CCR 912.7 [932.7, 952.7]. (Timberland Conversions excepted)
16. No timber harvest activities that include, are accompanied by, or followed by post-harvest applications of pesticides.
as slash, sawdust, or bark; and silvicultural pesticides that enter or threaten to enter into waters of the State. Examples of waste not
AND Site-specific factors must be considered when determining the type of monitoring to be required for timber harvest activities.

NOTES

4/16/2012 Existing Orders: Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0007
[NOT ADOPTED] Monitoring and Reporting Program No. R3-2012-0007 [NOT ADOPTED]

This Action:

Item No. 12 Att. 4
July 11-12, 2012 Meeting
WDR Timber Harvest

Adopt Conditional Waiver Order No. R3-2012-0008 Draft Order R3-2012-0008 Draft Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities. proposed Order No. R3-2012-0008, Monitoring and Reporting Program No. R3-2012-0008, Revised Eligibility Criteria including Revised Notice of Intent. 4/16/12 (PUBLIC NOTICE) REISSUANCE OF [GENERAL!??] CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS DRAFT ORDER NO. R3-2012-0008 FORTIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST REGION

Mike Higgins - EXTENDED Public comment on July 12, 2012 WATER BOARD - Item Timber Harvest Waiver renewal/reissuance

From: N.D.Fenton <nanidrew@comcast.net>
To: <centralcoast@waterboards.ca.gov>, Mike Higgins <Mhiggins@waterboards.ca...>
Date: 5/31/2012 7:12 PM
Subject: EXTENDED Public comment on July 12, 2012 WATER BOARD - Item Timber Harvest Waiver renewal/reissuance
CC: Kevin Collins <bats3@cruzio.com>, <solinger@waterboards.ca.gov>, <jodifr...>
Attachments: sediment bear creek at deer04262010 050.jpg; sedimenKINGS CREEKBRIDGE t011182010 054.JPG

TO CENTRAL COAST WATER BOARD MEMBERS
 ATTACHED: PICTURE OF SEDIMENT IN KINGS CREEK

ATTACHED: PICTURE OF SEDIMENT WATERS IN BEAR CREEK

ATTACHED: LINK TO YOUTUBE VIDEO PROVING WE HAVE "JOUVENILLE SALMONID" (per NOAA Staff confirmed) I FILMED THIS IN KINGS CREEK, TRIBUTARY TO THE SAN LORENZO RIVER
http://www.youtube.com/watch?v=PBluGfy_Eps&feature=plcp

PUBLIC COMMENT

(due by May 18, 2012/Hearing July 12, 2012)

Submitted 5/18/12

(extended Public comment, from additional changes (by Water Board on 5/16/12) only two days before Public Comment was due = may 16 + 30 days = June 15, 2012) These comments are for the June 15, 2012 deadline

TO CENTRAL COAST VALLEY WATER DISTRICT
 CENTRAL COAST VALLEY WATER BOARD
 VIA EMAIL:

FROM DREW FENTON
 BOULDER CREEK, CA
 EMAIL nanidrew@comcast.net

CC: Janet Hashimoto, Chief – Standards and TMDI Unit, and
 Sam Ziegler, Chief - Watersheds Office
 U.S. Environmental Protection Agency, Region IX
 75 Hawthorne Street
 San Francisco, California 94105-3901

STATE WATER BOARD Contact solinger@waterboards.ca.gov
 Staff counsel State Water Resrouces Control Board, Sacto

RE: Proposal for REISSUANCE of Timber Harvest Waivers in Santa Cruz county
 (CENTRAL COAST WATER BOARD) “Conditional Waiver of Waste Discharge Requirements - Timber Harvest Activities” (Board hearing is JULY 2, 2012 – WATSONVILLE)

SPECIFIC CHANGES/COMMENTS

Another Redline version of the changes show that additional revisions to the “MONITORING AND REPORTING REQUIREMENTS (MRP) under water quality discharge exemptions by timber harvest plans issued by CalFire. The water board should provide redline versions.

1) No reasoning, necessity, explanation, who benefits, etc. is offered by staff for further additional deletions/changes from the prior Draft Order +MRP R3-2012-0008 to [2nd] Draft MRP No. R3-2012-0008 July 12, 2012 (the ORDER for MRP)

2) Para 17 (now 16) makes baseless inaccurate, negligent, fraudulent claims about the “conditions of this Order protect beneficial uses” FALSE, Declaration submitted. Central Coast has not collected, assessed or analyzed data for impacts during last 7 years of exempting industry discharges. The cumulative impacts by timber operations to water quality in San Lorenzo tributaries is astounding, when just 7 years ago it was almost pristine, with thousands of Steelhead. Our fisheries have collapsed due to this corrupted ‘monitoring’ scheme, and is having/going to have catastrophic effects on our water supply. Failure to correct immediate violations is this water boards liability.

Item No. 12 Att. 4
 July 11-12, 2012 Meeting
 WDR Timber Harvest

file:///C:/Documents and Settings/RB3Office/Local Settings/Temp/XPgrpwise/4FC7C297RB3DomainRB3Po... 6/5/2012

3) BUDGET FOR COAST WATER BOARD ZERO – TIMBER HARVEST WAIVERS

FISCAL IMPACT A Timber Harvest Regulatory Program at the a Water Board should be fully funded through the State's General Fund (in fiscal year 2010-2011, 2011-2012, etc.) It has been discovered that the Central Coast's regulatory program had ZERO funding. The water board doesn't have the necessary enforcement tools to abate permit violations, the beneficial uses of water will not be protected as mandated in this discretionary program. Only further destruction to North Santa Cruz mountains headwaters and all areas that utilize the watershed is being damaged under a guise of a program that issues but cant enforce, worse than unregulated. The costs of destruction and its repair must be analyzed in a FISCAL IMPACT The millions of Public funded projects already spent over the last 20 years will have been wasted.

FUNDING ZERO FUNDING FOR CENTRAL COAST TIMBER HARVEST WAIVER PROGRAM:

There is no budget in the Timber Waiver Program. Why is there a hearing on this matter that has no funding source? No budget for a program means no staff, no monitor, no enforcement – it can never be in the public's interest, and clearly some scam is taking place in this water district. Request to VOID this matter and SEND the Timber Waiver program to another district that is allocating funds with a budget to run Or to the state water board administer.

REGION 3 CENTRAL COAST BUDGET : Forest Activities/Timber Harvest Plans\$00 STAFF 0

FY 2010-2011 Data Source: CIWQS. Period July 1, 2010 to June 30, 2011. Extracted on August 9, 2011

CENTRAL COAST WATER DISTRICT “INSPECTIONS AND PERMITS (last updated on 9/19/11) Facilities regulated for timber harvests is 0, actual 0, inspected 0, Permits issued, revised and renewed: 0, Enforcement action: 0, Budget is \$0, STAFF (per year) 0.0”

REGION 1, NORTH COAST budget Timber Harvest budget \$1,848,663 staff 17.3

FY 2010-2011 Timber Harvest/Confined Animal Facilities 734 149 150 99%

Permits issued/revised 0 0 NA enforcement actions 8 budget \$1,848,663 staff 17.3

(NORTH COAST HAS a WAIVER PLAN and is The highest budgeted program and DOUBLED than in any other under Regulatory activities in Forest activities/THP)

REGION 5 CENTRAL VALLEY Budget – Timber Harvest/confined animal is \$699,000 STAFF 5.4

Central Valley's total budget is 16,330,525 with 138 staff TIMBER HARVEST/CONFINED ANIMAL FACILITES are 1484 facilities regulated, inspected is 206, permits issued, renewed, 1, enforcement is 0, budget is 700K, with 5.4 staff.

4) a) How does the Executive Officer “approve” (in writing) the NOTICE OF INTENTION (NOI) submitted by the discharger? b) Explain the procedure/analysis reasoning for the board's prior requirement to apply to discharge (NOI) for what is now the actual report of waste discharge. (“The NOI constitutes a report of waste discharge. This waiver shall not take effect as to a particular timber operation until the Executive Officer approves the NOI in writing”) c) The Executive Officer has NO authority to sign off any waiver of discharge or “NOI” because it is a duty of the Board Members of this water district. If the EO tries to do this, he will be violating laws. ORDER at end (para 5.) makes it clear that Timber harvest activities “may commence only upon enrollment by the Executive Officer... and the adoption by the Central Coast Water Board” or in accordance with CWC Section 13264.

5) The ORDER at the end (para 1.k.) DELETES the sentence “evidence supporting the need for information to verify that a general conditional waiver of waste discharge requirements is the appropriate regulatory tool for Timber Harvest activities”. SIGNIFICANT DELETION! the waivers issued from 2005-2010 required monitoring and reporting (of each event, several times per year, failed management and protections, corrections, dates, proof of compliance, evidence that protections were in place prior to harvesting, that it be recorded in a log book, photos, readings, etc...) . Evidence is the implementation, effectiveness, forensic, water quality compliance, assessment and trend monitoring, and Waiver compliance monitoring undertaken in connection with timber harvest activities.” These records are expected to be offered in support of continuing this program, that it worked as the appropriate regulatory tool. The program is a threat to society and water quality. The time to undo the damage and the costs must be discussed. It causes unfunded mandates; I causes a waste of the millions of tax payer dollars and grants spent in the last 10 years rehabilitate the San Lorenzo Valley watershed – all efforts wasted.

6) The Water Board has several ‘lapses’ in this program. It is unknown how many waivers were issued, and how many were ‘retroactive’. A 5 year waiver program from 2005-2010 expired in 2010, no renewal occurred until alleged Feb 2012. How many issued after program expired? Please list all waivers issued under any THP or NTMP since 2001 – (before July 12, 2012) and violation information. Have any prior ORDERS been rescinded?

6)Since 2006, impacts to watershed not mentioned RECENTLY FOUND AFTER DIGGING -- SIGNIFICANT IMPACTS DOCUMENTED IN NOTICES OF VIOLATIONS ISSUED UNDER THIS WAIVER PROGRAM. No discussion or admission or description of the violations issued to dischargers (quantity discharged, is it on-going?) in the past is mentioned. Please do so now. The water board staff never mentions the issued of many NOV) Recent discovery of at least 9 Notices of Violations to Dischargers. Please discuss each in detail and how and when they were corrected.

(4/1/06 – 5/31/06)

1-05-159scr WHALEBONE

1-00-160SCR EEL RIVER BEAR CREEK

1-05-138SCR BROOKTREE

(in 2009)

1-02NTMP-007 SCR Gold Gulch 4150 EMPIRE GRADE SANTA CRUZ 3 NOV 2/26/09

1-04-127 SCL Castro Valley Ranch THP Santa Cruz 3 TH NOV 2/26/09 362440

1-06-122 SCR Seick 2006 Santa Cruz NOV 2/26/09 362442 Active

1-06-187 SCR BCSR-Cliff Unit 2006 Santa Cruz 3 TH NOV 2/26/09 362437

(in 2011)

1-06-187 SCR BCSR-Cliff Unit 2006 Santa Cruz TH NOV 10/7/2011 381729

1-07-119 SCR Camp Lindblad Santa Cruz TH NOV 12/15/2011 382422

7) EVERY THP PERMIT IS A “NEW SOURCE” of pollution, REQUIRES AN EIR for the next 5 year scheme and will violate the anti-degradation statutes

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8)The **Eligibility Criteria** reference is deleted from the Order. It must be referenced in the Order. Justification why it's deleted.

9) In the ORDER (para 6.) DELETES "renewed" and inserts "Reissued". SIGNIFICANT. Per Section 13269, "A waiver may not exceed five years in duration, but may be renewed by the state board or a regional board." Clearly an action to REISSUE the waiver requires preparation of a subsequent or supplemental environmental document pursuant to title 14, California Code of Regulations, sections 15162 or 15163. Evidence that substantial changes are proposed for the project (as seen in Redline version, most everything is deleted and entirely new requirements are drafted)-- substantial changes have occurred with respect to the circumstances of the project, there is new information of substantial importance with respect to the project, as described in section 15162, subdivision (a). In addition, it can be seen with certainty that there is every possibility that the revision may have a significant effect on the environment. (Cal. Code of Regs., tit. 14, §15061, subd. (b)(3).)

10) Further, para 1.k. this deletion is a legal requirement in the CWA, the agency is required to gather evidence, not delete the requirement because without it, protection to waters' beneficial uses isn't possible.

11) "Staff finds no substantial changes based on the following: the conditions of the Waiver Order are consistent with the existing Order, the filing of a Notice of Intent (NOI) remains, the types of monitoring required have not changed, and landowners are still responsible for reporting monitoring

The Findings do not relate nor do they make a clear connection to what agency proposes. Making such a statement finding no substantial changes is totally FALSE. Clearly the Substantial changes are seen in a redline version where the new order DELETES requirement to submit a report of waste discharge. And INSERTS "the NOI constitutes a report of waste discharge". This guts entire program, as intended, and falsely claimed is consistent with the Order.

12) FALSE -- "The conditions of this Order protect beneficial uses by:

- (i) Prohibiting pollution, contamination or nuisance; .
- (ii) Requiring monitoring and compliance with applicable water quality control plans; .
- (iii) Requiring the Discharger to grant access to Central Coast Water Board staff to perform inspections; and.
- (iv) Requiring approval of the THP or NTMP by the California Department of Forestry and Fire Protection."

The waiver's program is utterly useless, and is more harmful to have one than to not have one at all. It illegally allows timber industries to create new sources of sediment pollution that are in areas that have almost fully recovered from 100 year ago logging; is without any accountability or acknowledgement of destroyed creeks (Kings, Bear, Boulder, Spring,) and all seeps, open ponds, millions of headwater springs, absolutely destroyed, not to mention the ESU Steelhead trout habitats. Proof by the Water board should be presented informing the public about the current conditions in Northern Santa Cruz mountains.

13) Is this timber waiver regulation subject to approval by the Office of Administrative Law? What about the State Water Board? The Order should state it is not 'good' until approval by OAL. The program and its continued "re-adoptions" lacks: notation of CCR sections, statutes, laws authorizing adoptions or implementation oversight. No statement of reasons for proposing adoption or amendments; What is the specific purpose of each adoption, and rationale to show actions are reasonably necessary to carry out the purpose for which it is proposed. If the adoption or amendment of a regulation would mandate the use of specific technologies or equipment, a statement of the reasons why the agency believe these mandates are or are not required. Identify each technical guide

14) TO CONSIDER The water board is being used in a county wide scheme to get approved access to watercourses and large trees that are zoned SU (prohibits Timber harvesting). These THP's are on parcels that likely have no Deed Restriction recorded, and is a FPA Zeeley legal requirement. The applications should also require proof of ownership in a deed, with the recorded deed restriction, otherwise, they will not be able to carry out the responsibilities in the FPA. No Conditional/Compliance Certification is filed by the county to the State, required by law, make this a requirement in the waivers .

15) NEW INFORMATION TO CONSIDER:

The common type of new logging that takes place in 95006, have been mostly grove excavations (group selection + mining) in streams for redwood trees and their burl root systems where logging ops have been sited at 99% of headwater springs and watercourses in San Lorenzo Valley during the last 6 years. You know about the geology, the landslides, the soil composition, you know about the sediment/silt filling up streams from silviculture, and other human impacts, is how we got on EPAs 303 list. BECAUSE THE WATER BOARD DOESN'T EVEN KNOW HOW LOGGING OPERATIONS TODAY ARE UPDATED', IT DOESN'T EVEN KNOW HOW THE ACTUAL TREE AND ITS ROOTS GET REMOVED. HAS NO IDEA WHAT THEY ARE ISSUING PERMITS ON. (SEE PIC #1)

16)ALTERNATIVE TO RELIANCE ON CALFIRE'S assessment to decide compliance of their own client.

Oddly, the Regional Water Board did not ask our local water agency's assistance of its valuable resource where pollution has been a secret and instead offers CalFire and the Discharger to self report. No MOUs with other agencies which can be requested, and is more effective. Why haven't you suggested that our local water district (San Lorenzo valley) be a part of a rulemaking, permit issuing, compliance monitoring for dual enforcement -- the SLVWD will forfeit if mismanaged. Requesting that CalFire monitor the THP impacts to water quality is CalFire's dream come true. Esp. After so many rulings by Judges chastised them for ignoring water quality protection. A conflict of interest by competing interests prevents the Water Board from issuing Waivers or Orders that rely on CalFire or their approved THP.

ATTACHED: PICTURE OF SEDIMENT IN KINGS CREEK

ATTACHED: PICTURE OF SEDIMENT WATERS IN BEAR CREEK

ATTACHED: LINK TO YOUTUBE VIDEO PROVING WE HAVE "JOUVENILLE SALMON" 2012 Meeting A Staff

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file:///C:/Documents and Settings/RB3Office/Local Settings/Temp/XPgrpwise/4FC7C297RB3DomainRB3Po... 6/5/2012

confirmed) I FILMED THIS IN KINGS CREEK, TRIBUTARY TO THE SAN LORENZO RIVER

http://www.youtube.com/watch?v=PBluGfy_Eps&feature=plcp

BELOW IS A REDLINE VERSION OF MRP FROM ONE EXPIRED PLAN TO ANOTHER - APPEARS TO DELETE PRIOR MRP FOR ANOTHER, EIR REQUIRED.

~~2010-0041 MRP order to compare~~

~~Draft MRP No. R3-2012-0008 July 12, 2012~~

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~~DRAFT MONITORING AND REPORTING PROGRAM~~

~~ORDER NO. R3-~~2010-0041~~2012-0008~~

~~GENERAL CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS –
TIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST REGION~~

~~TIERS I - ~~HHIV~~ MONITORING FOR
TIMBER HARVEST AND NONINDUSTRIAL TIMBER MANAGEMENT PLANS~~

~~September 2, 2010~~

~~July 12, 2012~~

~~I. INTRODUCTION~~

~~This Monitoring and Reporting Program (MRP) applies to Timber ~~Harvest Plan~~Harvesting Plans (THP) or Nonindustrial Timber Management ~~Plan~~Plans (NTMP) in Tiers I - ~~HHIV~~ enrolled -under the General Conditional Waiver of Waste- Discharge Requirements – Timber Harvest Activities in the Central Coast Region (Timber Order). The monitoring tier for the THP or NTMP is based on the [results of the Eligibility Criteria procedure](#), accessible at~~

~~http://www.waterboards.ca.gov/centralcoast/water_issues/programs/timber_harvest/does/eligibility_criteria.xlsindex.shtml~~

~~This~~ Monitoring and Reporting Program Order No. R3-~~2010-0041~~2012-0008 (MRP) is issued pursuant to [California Water Code sections\(CWC\) Sections](#) 13267 and 13269. ~~Compliance with the MRP is necessary to assureensure~~ compliance with the Timber Order and to ~~assureensure~~ protection of water quality and beneficial uses within the Central Coast Region. ~~ThisThe~~ MRP applies to persons enrolled in the Timber Order because those persons are implementing timber ~~harvest~~harvesting plans that could adversely affect water quality- ~~and impair beneficial uses~~. Failure to comply with this MRP may subject the ~~Discharger-Discharger1~~ to monetary civil liability in accordance with ~~Water Code sections~~CWC Sections 13268 and 13350.

~~Monitoring and reporting requirements~~ shall begin at the onset of timber harvest operations and must comply with this MRP and any subsequent revisions. ~~Monitoring shall continue until the Discharger submits a complete Notice of Termination the end of the fifth year after timber harvest activities are complete~~ ~~The monitoring reporting requirements cease four years after the date of the harvest completion report is submitted to Cal Fire~~, unless the Executive Officer extends or otherwise revises the MRP with respect to the individual Discharger. [Table 1 is a summary of the type, frequency, and duration of monitoring requirements.](#)

~~The Executive Officer may impose additional~~TABLE 1. SUMMARY OF MONITORING REQUIREMENTS

~~1 Throughout this document “Discharger” means the landowner and anyone working on behalf of the landowner in the conduct of timber harvest activities including monitoring requirements based on a site-specific timber.~~
~~Reportingschedule~~May 15Specified in § BFrequencyAnnuallyFMMonitoringtypeBMPDurationSBMpost-harvest4 yrs 4 yrs
~~Based on TierEffectivenessSpecified in § C4 yrs Winter Ops~~

-

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II. MONITORING AND REPORTING REQUIREMENTS

FIGURE 1. CALENDER OF MONITORING EVENTS

A. BEST MANAGEMENT PRACTICE MONITORING (BMP)

TABLE 2. BMP INSPECTION SCHEDULE

TIER SUBMITTAL REPORT SUBMITTAL DATE

1 BMP Report May 15

2 BMP Report May 15

3 BMP Report May 15

4 BMP Report May 15

1. Before the onset of the winter period³, when no winter operations planned, the Discharger is required to visually inspect and maintain all existing and newly-constructed erosion and sedimentation control BMPs for ability to function as designed and to minimize erosion due to Precipitation Events (PEs). The Discharger shall evaluate the effectiveness of BMPs after the first major storm of the winter period and shall submit a report with photo documentation no later than May 15. For plans with winter operations the procedure and reporting for Forensic Monitoring shall be used until the completion of the harvest.

2. Photo monitoring points shall be identified by the plan's Registered Professional Forester (RPF) at the Pre Harvest Inspection (PHI) review team meeting. Review team recommendations for photo monitoring points may be stated in subsequent review team memoranda submitted before harvest plan ~~based on site specific conditions~~ approval. All photo monitoring points identified at

- the PHI shall be specified in the NOI application. Additional photo monitoring points may be specified by water board staff after consultation with the plan RPF or agency review team personnel. All designated photo points shall be specified in the Waiver Order enrollment letter.

3. BMP inspections begin at the onset of timber harvest operations for the duration of four years after the completion of the harvest.

4. See Section D for report and photo-documentation formatting requirements.

3 Winter operation period is Oct 15 to Apr 15

~~B. STORM-BASED MONITORING LOCATIONS FOR TIERS I-III MONITORING (SBM)~~

~~The Discharger is required to perform monitoring at the locations described in the following specifications:
Section I – Implementation and Effectiveness Monitoring and Monitoring Frequency;
Section II – Data Logging and Reporting; and
Section III – Standard Provisions.~~

~~VISUAL MONITORING POINTS~~

~~The Discharger is required to conduct visual monitoring for all existing and newly constructed infrastructure. This includes but is not limited to the full length of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and all mitigation sites in the THP or NTMP area (as documented the California Department of Forestry and Fire Protection (CalFire) approved THP or NTMP).~~

~~CALFIRE FOREST PRACTICE RULES COMPLIANCE MONITORING: The Discharger is responsible for and is required to ensure timber harvest activities are conducted in accordance with the approved THP or NTMP and with all applicable sections of the Forest Practice Rules. This includes allowing site access for compliance inspections by Cal Fire and Central Coast Regional Water Quality Control Board (Water Board) pursuant to 40 CFR Article 8, Section 4604.~~

TABLE 3. SBM FREQUENCY AND REPORTING

TIER STORM FREQUENCY, DURATION SUBMITTAL

1

100-yr, 24-hr

within 14 days of Notification

2

100 and 50 year, 24 hour

within 14 days of Notification

3

100, 50, and 25 year, 24 hour

within 14 days of Notification

4

100, 50, 25, and 10 year, 24 hour

within 14 days of Notification

1. The Discharger shall obtain Storm Frequency and Return Interval for the harvest site location from NOAA's Precipitation Frequency Data Server (PFDS): Atlas 14 Point Precipitation Frequency Estimates. The nearest USGS, NWS, or County rain gage to the harvest site, for which rainfall records can be accessed online, are to be used as the standard measure of precipitation. If the nearest rain gage is more than 1,000 feet above the harvest site, then the next closest rain gage to the harvest site shall be used. The Discharger is responsible for verifying the specified rain gage in the NOI has measured a PE for the storm frequency and duration specified by the harvest site monitoring tier.

2. The SBM reports shall include the report of all erosion and sedimentation control BMPs and photos depicting the designated photo monitoring points. If the specified PE for the harvest plan monitoring tier does not occur for the given winter operating period then the discharger shall report "no storm event" by May 15 to the designated Water Board staff through the following email: centralcoast@waterboards.ca.gov.

3. Storm Based Monitoring begins at the onset of timber harvest operations for the duration of four years after the completion of the harvest.

4. See Section D for report and photo-documentation formatting requirements

~~C. FORENSIC MONITORING: The (FM)~~

TABLE 4. FM REPORTING SCHEDULE

TIER SUBMITTAL NOTIFICATION DATE REPORT SUBMITTAL DATE

1
FM report
No later than 72 hours
within 14 days of Notification

2
FM report
No later than 72 hours
within 14 days of Notification

3
FM report
No later than 72 hours
within 14 days of Notification

4
FM report
No later than 72 hours
within 14 days of Notification

1. When the Discharger ~~is required to conduct forensic monitoring as~~ observes a site condition described in ~~Section I~~ below:

~~SECTION I – IMPLEMENTATION AND EFFECTIVENESS MONITORING AND MONITORING FREQUENCY~~

~~A) VISUAL MONITORING~~

~~1) VISUAL MONITORING POINTS Visual monitoring points must include all existing and newly constructed infrastructure. This includes but is not limited to the full length of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and all mitigation sites (as documented in the Cal Fire approved THP or NFMP) in the plan area.~~

~~2) VISUAL MONITORING FREQUENCY, The Discharger is required to monitor all visual monitoring points for existing or potential sources of erosion according to the schedule as defined below. This schedule represents the minimum amount of inspections for the harvest plan area to comply with the waiver. The Discharger is still responsible for conducting inspections above the minimum, as appropriate, taking into account site specific conditions, problem areas, and periods of above average rainfall. The schedule outlined below describes the minimum requirements, the Discharger is responsible for taking all reasonable measures to ensure the site is maintained for the protection of water quality.~~

~~Active Harvest Period plus One Year – The Discharger is required to notify the Executive Officer (EO) within 72 hours and to submit a report to monitor a minimum of three times over each 12 months during active harvest and for one full year after the year after harvest is complete. This monitoring period begins with the onset of timber harvest operations and continues during the entire length of time active timber harvest operations occur plus one full year after timber harvest activities are complete.~~

~~Monitoring Event One:~~

~~The Discharger is required to perform the first monitoring event within 12 to 24 hours of the first storm event that yields three inches of rain or greater within a 48-hour period.~~

~~Monitoring Events Two and Three:~~

~~The Discharger is required to perform the next two monitoring events within 12 to 24 hours of the next two storm events (one monitoring event each storm) that yield three inches of rain or greater within a 72-hour period after the start of the winter period on October 15 or four inches of cumulative rainfall, whichever occurs first.~~

~~Years Two and Three – In years two and three, following completion of timber harvest operations, visual monitoring shall be implemented at least twice, once during the dry season and once during the wet season.~~

~~Dry season monitoring:~~

~~During monitoring years two and three the Discharger is required to perform visual monitoring and ~~prep No. 12 Att 4~~~~

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~~winter at least once between April 15th and October 14th.~~

~~-
Wet season monitoring:~~

~~During monitoring years two and three, the Discharger is required to perform visual monitoring at least once between October 15th and April 14th. Within 72 hours of the first storm that produces three inches of rain within a 72-hour period. If no storm events of that intensity occur during the wet season, the Discharger shall conduct at least one inspection during the wet season.~~

~~Years Four and Five – In years four and five, following completion of timber harvest operations, visual monitoring shall be implemented a minimum of one time during the dry season, and additionally as triggered by storm events in the wet season.~~

~~Dry season monitoring:~~

~~During monitoring years four and five the Discharger is required to perform visual monitoring and prepare the site for the winter at least once between April 15th and October 14th.~~

~~Wet season monitoring:~~

~~During monitoring years four and five, the Discharger is required to perform visual monitoring between October 15th and April 14th within 72 hours of the first storm that produces four inches of rain or greater within a 72-hour period. If no storm events at that intensity occur during the wet season, the Discharger is not required to conduct an inspection during the wet season.~~

~~Summary of Visual Monitoring Frequency:~~

~~“Year One”: minimum of three events
Years Two and Three: minimum of two events
Years Four and Five: minimum of one event~~

~~B) PHOTO MONITORING~~

~~The Discharger is required to conduct photo monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. The Discharger must conduct photo monitoring consistent with the “Standard Operation Procedure 5.2.3 – Photo Documentation Procedure” included in Exhibit 1. If the Water Board's Executive Officer does not establish photo monitoring locations, the Discharger is not required to conduct photo monitoring except as required by forensic monitoring or violation reporting.~~

~~C) TEMPERATURE MONITORING~~

~~The Discharger is required to conduct temperature monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. The Discharger must conduct temperature monitoring consistent with the “Standard Operating Procedures Continuous Temperature Monitoring”. If the Water Board's Executive Officer does not establish temperature monitoring locations, the Discharger is not required to conduct temperature monitoring.~~

~~D) TURBIDITY MONITORING~~

~~TURBIDITY MONITORING POINTS: The Discharger is required to conduct storm-event based turbidity monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. The Discharger is required to conduct forensic monitoring at location(s) and frequencies as described below. All turbidity monitoring must be consistent with the requirements in the document Central Coast Regional Water Quality Control Board, Timber Harvest Program, Standard Operating Procedures for In-stream Turbidity Monitoring (October 2006). If the Water Board's Executive Officer does not establish storm-event based monitoring locations, the Discharger is not required to conduct storm-event based monitoring.~~

~~E) FORENSIC MONITORING SPECIFICATIONS~~

~~1) When the discharger observes any site conditions described below, the Discharger is required to notify Water Board staff within 72 hours and submit to a written report within ten working within 14 days. The Discharger is also required to~~

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implement best management practices (BMPs) immediately to prevent additional pollutant discharge and impacts to adverse effects on water quality. The ~~written report shall include photo documentation, in-stream turbidity data, and a description of implemented management practices and corrective actions. If the discharger does not implement management practices or corrective action they must explain why. Upon review of the report, the Water Board's Executive Officer will determine~~ evaluate the report for completeness ~~of the report~~ and the need for additional actions necessary ~~for the protection of to~~ protect water quality and beneficial uses.

~~a) i. If at any time during implementation or effectiveness monitoring~~ the winter operations period, the Discharger observes failed ~~management measures~~ BMPs and/or ~~source~~ sources of waste discharge, the Discharger is required to conduct forensic monitoring to identify the source. ~~Management measure~~ BMP failure is defined as: 1) whenever an implemented ~~management measure~~ BMP creates a condition of pollution, contamination, or condition of nuisance, as defined by ~~California Water Code (CWC)~~ Section 13050, or 2) when lack of implementation of a necessary ~~management measure~~ BMP creates a condition of pollution, contamination, or condition of nuisance, as defined by CWC ~~Section~~ section 13050.

~~b) If management measures fail (this includes failure to implement appropriate management measures as determined by CalFire and documented by CalFire as a violation of the Forest Practice Rules):~~

~~c) ii. If timber activities cause a discharge (of sediment, soil, other organic material, etc.)~~ or another waste into waters of the State.

~~d) iii. If at any time during implementation or effectiveness monitoring~~ the winter operations period, the Discharger observes a discharge ~~(of sediment, soil, other organic material, herbicides, pesticides, fluids from timber equipment (oil, hydraulic fluid, etc), etc.)~~ or another waste,

~~e) iv. If at any time during implementation or effectiveness monitoring~~ winter operations period, the Discharger observes a significant change in site conditions (i.e. fire, landslide, etc.).

~~2) FORENSIC MONITORING AREAS OF CONCERN The following areas must be addressed during forensic monitoring if water diversion, feral pig activity, or trespass activity are causing or threatening to cause impacts to water quality:~~

~~a) Water Diversion: The Discharger is required to monitor the water diversion point(s) for total daily water usage when water is being diverted. 2. The Discharger shall notify the EO by the following email: centralcoast@waterboards.ca.gov 3. The Discharger is required to monitor the creek to ensure no more than 10% shall conduct FM reporting for the duration of the creek flow is diverted.~~

~~b) Feral Pig Activity: During any inspection~~ winter operations period or upon the completion of winter operations, the Discharger ~~is required to document all evidence of feral pig activity near watercourses that may be contributing discharges to waters of the state. The Discharger must address the feral pig activity according to forensic monitoring requirements described in 1-5 above.~~

~~c) Trespass Activity: During any inspection, the Discharger is required to document all evidence of trespass activity near watercourses that may be contributing discharges to waters of the state. The Discharger must address the trespass activity according to forensic monitoring requirements described in 1-5 above.~~

~~3) FORENSIC MONITORING FREQUENCY~~

~~The frequency of Forensic Monitoring is coincident with implementation and effectiveness monitoring, or at any time a failed management measure and/or discharge is reported or observed.~~

~~SECTION II - DATA LOGGING AND REPORTING~~

~~A) LOGBOOKS~~

~~The Discharger is required to maintain logbooks for recording all visual and water analysis data. Logbooks are required to include shall submit a report with photo documentation of maintenance and repair of management practices. These logbooks must be available for inspection to the Water Board staff~~ no later than May 15.

~~B) — HEALTH AND SAFETY~~

4. See Section D for FM report and photo-documentation formatting requirements.

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D. REPORT FORMAT

The Discharger ~~is responsible for ensuring that all monitoring is done~~ shall submit BMP, SBM, and FM reports and photo-documentation

electronically to the designated Water Board staff through the following email:

centralcoast@waterboards.ca.gov, reports shall be a spreadsheet file, in ~~a safe manner. If any~~ the format given

below in Table 5. Every erosion and sedimentation control BMP should include the following

information THP number, planning watershed number (calwater ID), THP map ID number,

Latitude and Longitude (crossings only), stream class, BMP, BMP status, date assessed.

The BMP, SBM and FM Reports shall include each photo monitoring point ~~is too dangerous to sample, then the Discharger is required~~ site specified in

the NOI and Waiver enrollment letter. Figure 2 depicts the format for submitting photodocumentation.

Each photo should include the following information: planning watershed

number (top left corner of page), THP number ending with map ID number (top left corner of

photo), date of photo (bottom right corner of photo), Name of submitter (bottom left corner of

page), and number of pages (bottom right corner of page). Each photo monitoring point

page shall contain the pre-harvest photo on top of the photo from the most recent monitoring

event. The Executive Officer will evaluate the report for completeness and the need for

additional actions necessary to ~~report this circumstance~~ protect water quality and beneficial uses.

TABLE 5. Monitoring Report Template4 (with example input).

ip' stands for planned repair or construction in-progress, 'c' stands for implementation complete

4 The report template is provided in the Eligibility Criteria spreadsheet.

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FIGURE 2. Photo-point monitoring6 report template

5 For further guidance on how to ~~the Water Board within 48 hours~~ conduct photo-point monitoring, refer to: General

Technical Report PNW-

~~C) — SEDIMENT RELEASE REPORTING~~

~~The Discharger is required to report to the Water Board within 72 hours whenever at least one cubic yard of soil is released to a~~

~~waterway due to anthropogenic causes or at least five cubic yards of soil is released to a waterway due to natural causes, or~~

~~when turbidity is noticeably greater downstream compared to upstream (of a crossing or the Plan area). The Discharger is~~

~~required to submit a written report to the Water Board within 10 days of detection. The Discharger is required to investigate~~

~~source areas of sediment. If sources are found, the Discharger will locate and document the source and size of the release. If~~

~~sources related to timber harvest activities are found, the Discharger is required to immediately correct the source if possible,~~

~~or schedule corrective action at an appropriate time given the site conditions.~~

~~D) — GTR-526 March 2002 - Photo-point Monitoring Handbook: Part A Field Procedures by Frederick C. Hall~~

E. VIOLATION REPORTING

The Discharger is required to report any violation of the Forest Practice Rules; adversely affecting erosion and sedimentation

BMPs to the Water Board within 72 hours. - The Discharger is required to provide the report in writing to the Water Board

within 10 working days of the violation. The written report shall be a narrative summary and must include photo-

documentation and water quality data (if discharge enters waters of the state) before and after remedial action. - pursuant

Order section 1.i. Upon review of the report, the Water Board's Executive Officer will determine completeness of the report

and the need for additional actions necessary for the protection of water quality and beneficial uses. -The Discharger is

required to complete any additional monitoring the Water Board's Executive Officer determines is necessary.

~~E) — ANNUAL REPORTING~~

~~By November 15 of each year, the Discharger is required to submit an Annual Report to the Water Board. The reporting period~~

~~is from October 1 of the previous year to September 30 of the current year. Annual report template~~ Item No. 12 Att.4

~~file:///C:/Documents and Settings/RB3Office/Local Settings/Temp/XPgrpwise/4FC7C297RB3DomainRB3Po... 6/5/2012~~ July 3 12, 2012 Meeting
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or may be downloaded from the Central Coast Water Board's website:

-

~~ANNUAL REPORTING REQUIREMENTS~~

-

~~1) General~~

-

- ~~• The name and address of the person submitting the report, as well as the day, month, and year in which the report is being submitted, at the top of the first page.~~
- ~~• The subject line of the annual report must state the THP or NTMP number, three-letter county code, plan name as it appears in the approved THP or NTMP, NTO number, and specific units within the THP or NTMP that have been enrolled under the General Waiver.~~
- ~~• Time period during which the data was collected:~~
- ~~• List Tier level and summarize the monitoring requirements:~~
- ~~• Status of active timber harvest operations including:~~
 - ~~o Day, month, and year the harvest opened and closed for the season:~~
 - ~~o Previous year activities (types of activities, locations, percent harvested, area of harvest, and extent of overall plan completion)~~
 - ~~o Planned activities including estimated month and year harvests activities must resume.~~
 - ~~o Estimated month and year harvesting will be completed.~~
 - ~~o Wet weather problems observed:~~
 - ~~o Any other critical information:~~
- ~~• A summary of all violations. If there were no violations, please state it as such:~~
- ~~• Detailed documentation of rainfall measurement procedures and locations or a reference to the page number in the THP or NTMP where this is described. Describe the type of rain gauge(s) used. If applicable include the link to the Web site where data for the rain gauge may be viewed:~~
- ~~• Recommendations for improving the monitoring and reporting program:~~

-

~~2) Visual Monitoring~~

-

- ~~• A summary of all visual monitoring activities performed during the previous year:~~
 - ~~o Summary must include dates and times visual monitoring occurred and any corrective actions taken during inspections:~~
 - ~~o Attach inspection forms or copies of logbook pages detailing inspections:~~

-

~~3) Photo-monitoring (if required)~~

-

- ~~• Submittal of all data and photos in electronic format:~~
 - ~~o Photo files must be named using the following format with information separated by underscores:~~

-

~~MonitoringReportYear_PlanNumberandCountyCode_Location_DateofPhoto~~

-

~~4) Turbidity Monitoring (if required)~~

-

- ~~• A detailed map with the following specifications:~~
 - ~~o In color (if possible):~~
 - ~~o Title stating: "Water Quality Monitoring Locations for THP OR NTMP No. XXXX"~~
 - ~~o All monitoring locations and routes clearly marked with unique site identification tags:~~
 - ~~o A Key or Legend identifying all monitoring locations and routes:~~
 - ~~o North Arrow:~~
 - ~~o Scale~~
- ~~• A summary of the water quality monitoring performed during the previous year. Any monitoring described in the summary must also include an electronic submittal of the data in a format compatible with Microsoft Excel:~~
- ~~• Completed Field Data Sheet with data from all monitoring events. (if more than four events, there is no need to complete top section on additional pages):~~
 - ~~• Make and model of turbidimeter being used:~~
 - ~~o Copy of the manufacture's protocol / recommendation for proper use of the turbidimeter:~~
- ~~• A summary of all turbidity monitoring activities performed during the previous year:~~
- ~~• Completed Field Data Sheet with data from all monitoring events. (if more than four events, there is no need to complete top section on additional pages)~~

-

~~5) Continuous Temperature Monitoring (if required)~~

- ~~-~~
- ~~• All data submitted in an electronic format compatible with Microsoft Excel.~~
- ~~• Make and model of the data loggers being used at each monitoring location.~~
- ~~• Copy of the manufacture's protocol / recommendation for proper use of the loggers.~~
- ~~• Calibration check form for each data logger.~~
- ~~• Description of any modifications or adjustments made based on the calibration checks and field observations.~~
- ~~-~~

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~~F. STANDARD PROVISIONS~~

~~A. The Water Board staff shall be allowed:~~

- ~~1) Entry upon premises where timber harvest activities occur;~~
- ~~2) Access to copy any records that must be kept under the conditions of these requirements;~~
- ~~3) To inspect any timber harvest activity, equipment (including monitoring and control equipment), practices, or operations regulated or required under these requirements; and,~~
- ~~4) To photograph, sample, and monitor for the purpose of showing timber harvest requirements compliance.~~

~~B. The Discharger is required to maintain records of all monitoring information and results. Records must be maintained for a minimum of three years after the MRP is rescinded. This period may be extended during the course of any unresolved litigation or when requested by the Water Board EO.~~

~~C. Any person signing a report makes the following certification whether written or implied:~~

~~"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."~~

~~The Water Board's Executive Officer may modify or rescind this Monitoring and Reporting Program at any time, or may modify or rescind the monitoring and reporting program as to a specific Discharger. Any such modification or rescission must comply with California Water Code section CWC Section 13269 or 13267.~~

 Roger W. Briggs,
 Executive Officer

 Date

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