

From: theferals <theferals@suddenlink.net>
Sent: Wednesday, August 15, 2012 9:14 PM
To: St.John, Matt@Waterboards
Cc: King, Kaete@Waterboards
Subject: Mad River Alliance

Good morning Matt and Kaete,

Would like to participate in the workshop being held in Santa Rosa on August 23rd by the North Coast Regional Water Quality Control Board, regarding Green Diamonds WDR for all ownership as described on the agenda item # 9. The Forest Management WDR complements the Roads WDR, and together will provide Green Diamond with programmatic, ownership - wide waste discharge coverage for timber management activities.

Workshop

9. Waste Discharge Requirements for Discharges Related to Green Diamond Resource Company's Forest Management Activities Conducted within the Area Covered by its Aquatic Habitat Conservation Plan in the North Coast Region (Kaete King)

I'm seeking designated party status because I feel I will need more than 3 minutes to comment on that item. I don't think I will need much more than 10 minutes, but 3 mins. will severely limit my ability to communicate clearly the opinion Mad River Alliance on this WDR. I will try and have a summary statement to you by this Friday August 17th for the board to review prior to the workshop.

I look forward to your reply,

Best,
Dave Feral
Mad River Alliance
Blue Lake Ca
707-834-3623

From: Andrew Orahoske <andrew@wildcalifornia.org>
Sent: Wednesday, August 15, 2012 10:12 PM
To: King, Kaete@Waterboards; St.John, Matt@Waterboards
Cc: 'Rob DiPerna'
Subject: Green Diamond WDR

Dear Responsible Officials,

EPIC requests designated party status in the development of a waste discharge requirement (WDR) for Green Diamond Resource Company. We have multiple reasons why this proposal is not in the public interest and will result in negative impacts to water quality. We will certainly need more than the allotted 3 minutes to present our concerns to the board.

Andrew

Andrew J. Orahoske
Conservation Director

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Office: (707) 822-7711
Mobile: (707) 407-9020
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Dave Feral
Mad River Alliance
134 Esther Lane
Arcata, CA 95521

August 17, 2012

North Coast Regional Water Quality Control Board
David C. Joseph Room
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

RE: August 23, 2012 Meeting, Item # 9:
Waste Discharge Requirements (WDR) for Discharges Related to Green Diamond Resource Company's Forest Management Activities Conducted within the Area Covered by its Aquatic Habitat Conservation Plan in the North Coast Region.

Dear Regional Board Members:

It has come to the attention of the Mad River Alliance that Green Diamond is hoping to file a Forest Management WDR. We desire that Mad River Watershed be excluded from this WDR or a limit on Harvest Rate be set at or below the recommended threshold of <1.5 % as recommended in the report on Watershed Condition, Turbidity, and Implications for Anadromous Salmonids in North Coastal California Streams produced for the regional board by Randy Klein, Bill Trush and water board staff Matthew Buffleben.¹

We are aware that many of the Timber Harvests in the Mad River Watershed are at a rate below 1.5% (rate of harvest in Maple Creek= 1.0%; Long Prairie Cr= 1.2%; Dry Cr= 0.8%) and for this, we applaud the efforts of Green Diamond. However, many rates of harvest exceed the rate of < 1.5%.

Records taken from Timber Harvest Plans (THPs) reveal many harvest rates that are not at the recommended rate.

These include: Past Harvests: Canyon Cr= 1.5%, Denman Cr= 2.4%, Mother Cr= 1.8%, Squaw Cr= 2.0%, Upper Canon Cr= 2.0%, Pollock Cr= 1.5%, and Squaw Cr= 2.0%.

Future Harvests which exceed this rate include: Canyon Cr (from 1-12-034HUM): 2.97%, Pollock Cr (from 1-12-070HUM): 2.24%

These harvest rates exceeding 1.5% are not conducive to reducing Suspended Sediment Inputs. We are aware that Green Diamond is in pursuit of a Green Certification with the Forest Stewardship Council and we are in support of such an endeavor, as we believe that receiving such a certification would have a desired effect on future harvest rates.

In the Regional Water Board Staff Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds ("the Work Plan") as shown in the pie chart below, it is represented that Timber Harvest is contributing only 2% of sediment into the Mad River Watershed.

¹ WATERSHED CONDITION, TURBIDITY, AND IMPLICATIONS OF ANADROMOUS SALMONIDS IN NORTH COASTAL CALIFORNIA STREAMS, R. Klein , B. Trush, and M. Buffleben, A Report to the California North Coast Regional Water Quality Control Board, May 21, 2008.

The Mad River Alliance does not agree that this is an accurate characterization. **Accordingly, the undersigned parties of this letter would like the Regional Water Board to:**

- 1) re-evaluate this characterization based on more recent publications, and
- 2) re-examine the supporting documents that this number was generated from with particular consideration of the large (twelve-fold in some cases) disparity between the Mad River and identical characterizations of other watersheds.

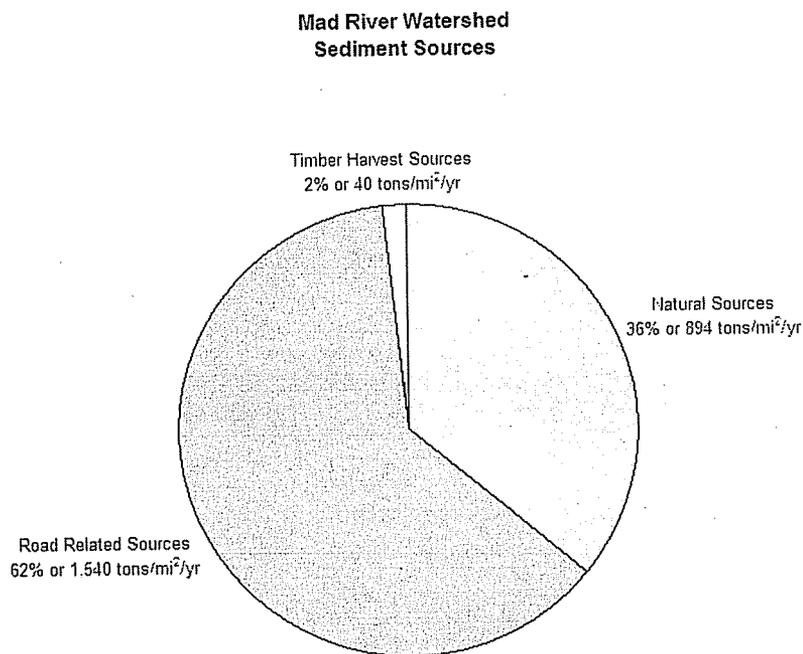


Figure 32: Mad River Watershed Sediment Sources. From: TMDL (U.S. EPA 2007b)

In a recent paper by Dr. Matthew Buffleben,² the Sediment Sources for twenty such Northern California watersheds are examined. Dr. Buffleben's report the "Total Maximum Daily Loads (TDMLs), Sediment Budgets, and Tracking Restoration Progress of these North Coast Watersheds." Dr. Buffleben explains:

"Comparisons between the sediment loads from TMDLs are difficult because different methods and categories were used to identify the sources and volumes of sediment reaching streams. However, some general conclusions can be reached. The road system is often the major source of sediment, averaging 57 percent of the management-related sediment load. Logging sources of sediment averaged 24 percent of the management-related sediment load."³

² PE Senior Water Resources Control Engineer, Special Investigations Unit, Office of Enforcement, State Water Control Board.

³ Total Maximum Daily Loads, Sediment Budgets, and Tracking Restoration Progress of the North Coast Watersheds. This paper was presented by Matthew Buffleben at the redwood science symposium: June 21-23, 2011, Santa Cruz.

The EPA's TMDL document (based on GMA's SSA),⁴ published December 2007 (on which the regional work plan is based), states that *only 2% of the Mad River's sediment load is derived from within harvest units as opposed to road-derived and natural sources. This figure is highly suspect and inconsistent with other sediment TMDLs prepared for North Coastal California watersheds.* Much research, particularly recent work done in Caspar Creek in Mendocino County, suggests sediment delivery from within cut units is greater than previously believed, suggesting the Mad River TMDL results are skewed. **A primary reason these results are skewed is that methods used in the Graham Matthews Associates' Sediment Source Analysis (SSA) did not include inventories of small landslides, gullies, and surface erosion from within harvest units.**

Reid and others (2010) state:

“Correlations between suspended sediment yields and indices of gully erosion suggest that in-channel erosion associated with hydrologic change is an important source of postlogging sediment at Caspar Creek. Common sediment-control measures, such as use of riparian buffer strips and reduction of road surface erosion, would not be effective for reducing sediment input from this source.”⁵

In light of this fact, it is clear that the calculation of a large portion of management-related sediment is missing from the GMA sediment source analysis, with the result that sediment delivery from within harvest units is potentially being grossly underestimated. This underestimation ultimately distorts the calculation of the Mad River's TMDL, with grave consequences for the river and the health of its anadromous fish.

In addition, the TMDL and supporting analyses relied on admittedly flawed landslide data. First, the Graham Matthew Associates SSA did not include landslides that were “too small” (e.g., <5 acres) to appear on aerial photography. **Smaller landslides certainly occur at higher frequencies on the landscape than the larger ones visible on air photos. Accordingly, they remain poorly-inventoried or missed altogether, and thus unaccounted for in the TMDL.**

Second, the TMDL states (on p. 66) that *“landslides smaller than five acres could not be accurately mapped, given the mapping resolution of this landslide inventory.”*⁶ A five-acre landslide has the potential to deliver a large volume of sediment to the channel system. If this size of landslide cannot be mapped or cannot be mapped accurately, the potential for errors in the calculation of sediment budget may be large. As with gullies, potentially important components of management-related sediment are missing from the sediment analysis and, also similar to the missing information on gullies, the results are skewed such that non-road derived sediment (i.e., sediment delivery from within harvest units) is potentially much greater than assumed in the TMDL.

Another source of error in the TMDL and sediment budget is the assignment of landslide triggering mechanisms. While we can be relatively confident that management-triggered landslides are correctly categorized because of their obvious spatial proximity to timber harvest

⁴ Mad River Sediment Source Analysis, Graham Matthews and Associates, December, 2007.

⁵ The incidence and role of gullies after logging in a coastal redwood forest, Leslie M. Reid, Nicholas J. Dewey, Thomas E. Lisle, Susan Hilton. *Geomorphology* 117 (2010) 155–169.

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features such as roads and landings (e.g., landslide headscarp at a road, debris flow originating in a road stream crossing), some percentage of those classified as 'natural' may in fact be triggered by management through tree root decay, changes in hillslope hydrology, or other unavoidable effects of removing trees from steep hillslopes. If there was no obvious spatial connection to a road or landing, the TMDL sediment source analysis classified a landslide as 'natural', but this is a flawed assumption inconsistent with research on the effect of tree removal alone on slope stability and landslide occurrence. Again, this assumption leads to underestimation of sediment delivery from within harvest units.

Klein et al. (2012)⁷ describe the clear role of rate of timber harvest as the dominant determinant of elevated turbidity and suspended sediment loads in North Coast watersheds. Further, in Figs. 2 and 3 of Klein and others (2012, p. 141), clear differences are documented in water quality (turbidity) between 'legacy' (watersheds with no logging in prior 15 years) and actively-logged watersheds, with legacy representing only a small proportion of water quality impacts compared to watersheds with high harvest rates (with low harvest rate watersheds falling in between the two). Consequently, older, more destructive logging practices cannot be the primary cause of the high turbidities and sediment loads in the Mad River today. Rather, they combine with the effects of active logging to create the extremely poor water quality exhibited in the TMDL dataset and easily observed during the winter high flow season in the mainstem Mad River and tributaries. And, as Dr. Buffleben explains, **no watershed that has been listed as impaired that is being harvested at rates above 1.5 is in recovery personal communication.** Present rates of harvest in the Mad River are listed in paragraph three and four, but most are not known.

Mad River Alliance and the undersigned request that harvest rate must be known and tracked to ensure habitat for salmonids and other aquatic species are protected. This information deficiency can be easily corrected by computing harvesting rates for CalWater watersheds. **This must be an integral part of the preparation of WDRs or other management tools.** If present harvest rates in Mad River tributary basins are near the levels shown by Klein, et al. (2012) to elevate turbidity to excessive levels, then future harvesting must be limited. **Based on Klein, et al. (2012) data, an average annual harvest rate of about 2% can be associated with very high levels of chronic turbidity, and proposed harvest in watersheds with current harvest rates above 1.5% should be given a high level of scrutiny.**

Given the potential for large errors in the TMDL's sediment sources analysis, particularly with the potentially gross under-estimation of sediment delivery from within timber harvest units and not derived from the road network, the Forestry WDR in the Mad River Watershed (and possibly for all areas under Green Diamond Resource Company management) should not proceed until these errors are addressed. Any WDR based on the existing faulty sediment sources analysis will surely result is worsening of water quality in this already severely impaired watershed.

⁷ *Logging and Turbidity in the Coastal Watersheds of Northern California*, Randy D. Klein, Jack Lewis, Matthew S. Buffleben, *Geomorphology* 139-140 (2012), at 136-144.

The EPA's own statements appear to support such a conclusion:

[T]his analysis is conducted at the basin -wide scale (nearly 500 sq. miles), and may not be adequate for site-specific project analyses, such as timber sales. However, it is possible to build upon this information, improving the specificity or making use of new information available in the future to develop project-specific information, or to investigate other watershed-wide needs. EPA encourages this use, and encourages both private and public organizations to work with the Regional Water Board to facilitate and improve upon its implementation efforts in the future, and although EPA does not plan to further develop individual sub-watershed scale TMDLs at this time, we encourage the Regional Water Board to consider doing so.⁸

Mad River Alliance, Environmental Protection Information Center, Humboldt Baykeeper and the Ecological Rights Foundation encourage the NCRWQCB to 1) Evaluate the flawed basis of the TMDL. 2) Halt or modify the Forestry WDR for Green Diamond to reduce all harvest rates watershed wide to less than 1.5%, preferably selective cuts, and 3) Work to improve the management of sediment delivery to the watershed by **limiting the rate of harvest to less than 1.5 % in the Mad River Watershed for all future THPs .**

Respectfully,

Dave Feral
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⁸ *Mad River TMDLs for Sediment and Turbidity Comment Responsiveness Summary*, US Environmental Protection Agency, Region 9, San Francisco, California, December 21, 2007.

Bibliography

Buffleben Matthew S. (June 2011). "Total Maximum Daily Loads, Sediment Budgets, and Tracking Restoration Progress of the North Coast Watersheds" This paper was presented at the redwood science symposium: June 21-23, 2011, Santa Cruz, California. California Regional Water Quality Control Board, Sacramento CA.

Klein Randy D., Lewis Jack, Buffleben Matthew S. (Feb 2012). "Logging and turbidity in the coastal watersheds of northern California" *Geomorphology* 139-140 (2012) 136-144.

Klein Randy D., Trush William, Buffleben Matthew S. (May 21, 2008). "WATERSHED CONDITION, TURBIDITY, AND IMPLICATIONS FOR ANADROMOUS SALMONIDS IN NORTH COASTAL CALIFORNIA STREAMS" A Report to the California North Coast Regional Water Quality Control Board.

Reid Leslie M. and . Keppeler Elizabeth T. (June 2011). Landslides After Clearcut Logging in a Coast Redwood Forest. This paper was presented at the redwood science symposium: June 21-23, 2011, Santa Cruz, California. Redwood Sciences Lab

Reid Leslie M., Dewey Nicholas J., Lisle Thomas E., Hilton Susan, (2010). "The incidence and role of gullies after logging in a coastal redwood forest." *Geomorphology* 117 (2010) 155-169.

Other Papers and Resources

Mad River Sediment Source Analysis (December, 21 2007). Graham Matthews & Associates P.O. Box 1516 Weaverville, CA

Mad River TMDLs for Sediment and Turbidity Comment Responsiveness Summary (December, 21 2007). US Environmental Protection Agency, Region 9 San Francisco, California.
http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/mad_river/pdf/Mad-responsiveness-summary-122107.pdf

Mad River Total Maximum Daily Loads for Sediment and Turbidity. (December, 21 2007). U.S. Environmental Protection Agency Region IX
http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/

Regional Water Board Staff Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds (April 8, 2008) State of California North Coast Regional Water Quality Control Board.

Revisions to FMWDRs (8-22-12)

41. Green Diamond THPs in the AHCP area submitted to the Review Team after adoption of this Order will not require enrollment under Order R1-2004-0030, General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-federal Lands in the North Coast Region (GWDR) or Order R1-2009-0038, Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-federal Lands in the North Coast Region (Waiver). Green Diamond THPs will be reviewed by Regional Water Board staff during CAL FIRE's Review Team process for compliance with this Order. In this regard, any Any Green Diamond THP in the project area where water quality issues identified by Regional Water Board staff have not been resolved to the satisfaction of the Regional Water Board Executive Officer or that is the subject of an unresolved non-concurrence filed by Regional Water Board staff with CAL FIRE will be considered for denial of ineligible for coverage under Section V of this Order.

* * * * *

44. In considering this Order under the California Environmental Quality Act (CEQA), the Regional Water Board used the Environmental Impact Statement (EIS) issued by the U.S. Fish & Wildlife Service and National Marine Fisheries Service for the AHCP. When a project requires compliance with both CEQA and the National Environmental Policy Act (NEPA), and the federal EIS is prepared first and meets the requirements of CEQA, CEQA provides that the state agency should use the EIS rather than preparing a separate EIR or negative declaration, pursuant to California Code of Regulations, title 14, section 15221. On August 1, 2012 DATE, the Regional Water Board circulated a Notice of Intent and supplemental-letter notifying interested parties and draft Order that added any points of analysis not covered in the EIS but required under CEQA. In that Notice and letter, the Regional Water Board provided public notice of the availability of the EIS and its intent to rely on the federal document. The EIS and supplemental letter were completed in compliance with CEQA, and reflect the Regional Water Board's independent judgment and analysis. The Regional Water Board has reviewed this information and has considered this along with all the other information in the record prior to making its decision to issue this Order. In addition, potential environmental effects associated with the project were also analyzed under CEQA in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the California Department of Fish and Game for the MATO and Roads WDR. The Regional Water Board has reviewed and considered the IS/MND as responsible agency prior to taking action on the Order. (Cal. Code Regs., tit. 14, § 15162.) The Regional Water Board adopts the CEQA findings required under Public Resources Code section 21081 as detailed in Appendix E. Mitigation measures necessary to reduce or eliminate significant water quality impacts are included as conditions of approval in the Order section below.

Dave Feral
Mad River Alliance
134 Esther Lane
Arcata, CA 95521

file
version submitted
at Aug. 23, 2012
workshop

August 17, 2012

North Coast Regional Water Quality Control Board
David C. Joseph Room
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

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Harvest rates exceeding 1.5% per year are not conducive to reducing Suspended Sediment Inputs. We are aware that Green Diamond is in pursuit of a Green Certification with the Forest Stewardship Council and we are in support of such an endeavor. We hope that receiving such a certification would guarantee that future harvest rates remain below 1.5% per year.

In the Regional Water Board Staff Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds ("the Work Plan") as shown in the pie chart below, it is represented that Timber Harvest is contributing only 2% of sediment into the Mad River Watershed.

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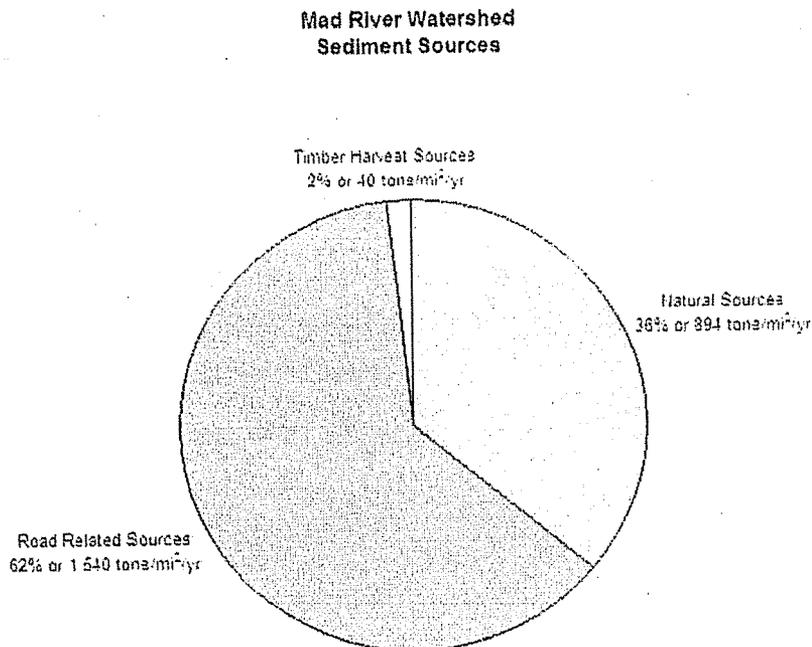


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In light of this fact, it is clear that the calculation of a large portion of management-related sediment is missing from the GMA sediment source analysis, with the result that sediment delivery from within harvest units is potentially being grossly underestimated. This underestimation ultimately distorts the calculation of the Mad River's TMDL, with grave consequences for the river and the health of its anadromous fish.

In addition, the TMDL and supporting analyses relied on admittedly flawed landslide data. First, the Graham Matthew Associates SSA did not include landslides that were "too small" (e.g., <5 acres) to appear on aerial photography. Smaller landslides certainly occur at higher frequencies on the landscape than the larger ones visible on air photos. Accordingly, they remain poorly-inventoried or missed altogether, and thus unaccounted for in the TMDL.

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Respectfully,

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Justine Augustine
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Mission: The Mad River Alliance works to protect clean water and the biological integrity of the Mad River watershed for the benefit of its human and natural communities.

⁸ *Mad River TMDLs for Sediment and Turbidity Comment Responsiveness Summary*, US Environmental Protection Agency, Region 9, San Francisco, California, December 21, 2007.

Bibliography

- Buffleben Matthew S. (June 2011). "Total Maximum Daily Loads, Sediment Budgets, and Tracking Restoration Progress of the North Coast Watersheds" This paper was presented at the redwood science symposium: June 21-23, 2011, Santa Cruz, California. California Regional Water Quality Control Board, Sacramento CA.
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- Klein Randy D., Trush William, Buffleben Matthew S. (May 21, 2008). "WATERSHED CONDITION, TURBIDITY, AND IMPLICATIONS FOR ANADROMOUS SALMONIDS IN NORTH COASTAL CALIFORNIA STREAMS" A Report to the California North Coast Regional Water Quality Control Board.
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http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/
- Regional Water Board Staff Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds (April 8, 2008) State of California North Coast Regional Water Quality Control Board.



California Timberlands Division

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August 31, 2012

Mr. David Noren, Chair
North Coast Regional Water Quality Control Board
5550 Skyline Boulevard
Santa Rosa, CA 95430

RE: Comments on Property-Wide Forest Management WDR for Green Diamond Resource Company

Dear Chair Noren and Board Members:

Green Diamond appreciates working with Board staff on the development of the property-wide Forest Management WDR (FMWDR). At the workshop held on August 23, a representative of the Mad River Alliance addressed the Board and raised issues pertaining to potential adverse impacts associated with timber harvesting rates. Specifically, the Alliance representative cited a paper by Klein, et al. (May 2008) regarding a "recommended threshold of 1.5%" (per year) for watersheds. A second Klein, et al. (2012) report was also cited regarding the impacts of timber harvesting and impacts on turbidity and suspended sediment. It appears from the comments that the Alliance's concerns are largely focused on the TMDL for the Mad River adopted approximately five years ago. Although the Mad River TMDL is not up for review or revision at this time, Green Diamond provides this response to the Alliance's concerns.

First, it is our understanding that the common data set used in the development of both of these papers was based on timber harvesting plans from 1990- 2004. During this period the Forest Practice Rules (FPR) underwent substantial changes in July of 2000 (Threatened and Impaired Rules). This means that approximately 10.5 years of the sample (70%) was based on old FPRs, and not the revised rules that: substantially increased watercourse protection zones and retention standards; increased the return interval for designing watercourse crossings; required geological review of harvest areas, and placed additional restrictions on road use during the winter period.

In addition, the study does not recognize the additional changes to the FPRs that became effective on January 1, 2010 (Anadromous Salmonid Protection Rules). These rule changes required additional watercourse zone canopy retention, additional winter operating restrictions, and additional road use standards. The FPR changes that occurred in 2000 and 2010 both included measures that affect turbidity and suspended sediment. The implementation of Green Diamond's Aquatic HCP began on July 1, 2007. No Green Diamond THPS incorporating additional Aquatic HCP measures were included in the data relied upon in the research referenced by Mad River Alliance.

We are not aware of any other paper that has recommended a harvest rate of 1.5%; regardless, we do not believe that rate of harvest should be a key metric that drives management decisions. We believe

that a proper assessment of resources at risk followed by implementation of ownership, watershed and site-specific conservation and mitigation measures that are monitored for effectiveness will protect and improve water quality and ensure that potential impacts to aquatic resources are avoided or mitigated below a level of significance. Green Diamonds' general forest management practices and the requirements of the Aquatic HCP, the DFG MATO for Green Diamond, and the Green Diamond Roads WDR all include assessments, implementation of conservation, mitigation measures and monitoring measures as summarized below:

Assessments:

- Conduct inventory of all forest roads
- Identify all crossings that are considered at risk for failure
- Identify all crossings that are blockages to fish migration; replace with bridges or other fish friendly structures
- Develop estimate of sediment inventory and plan for road upgrades
- Identify all Steep Streamside Slopes
- Identify all unstable features

Mitigation Measures and Practices:

- Enhanced RMZs on Class I and II watercourses
- Limited or no harvest on unstable features
- Limited or no harvest on Steep Streamside Slopes
- Repair or replacement of all high risk culverts
- Scheduled road upgrades to AHCP standards
- No road construction October 15-May 15
- No road rocking October 15-May 15
- No tractor yarding October 15-May 15 (with limited exceptions)
- No winter hauling on non-rocked roads
- Winter hauling on rocked roads limited to dry periods
- No tractor logging on clearcut units

Monitoring:

- Experimental watersheds
- Automated water sampling at 13 stations; includes turbidity, suspended sediment, temperature, and flow
- Fisheries out-migrant trapping on 5 streams
- Summer juvenile fish population surveys on 17 streams
- Review of all mainline and appurtenant roads every year
- 3-year rotating review of all other roads
- Implementation and effectiveness monitoring of road management measures
- Class III sediment monitoring

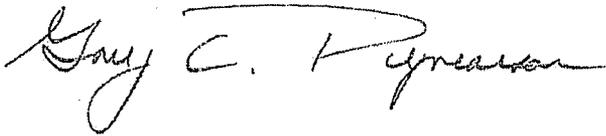
- Property-wide water temperature monitoring on approximately 140 sites

The implementation of these measures provides water quality protection that is both site-specific and property wide. Collectively, these measures result in the retention of over 25% of our timberlands in an uncut or very limited harvest condition. Another significant difference in our management practices, as compared to those included in the Klein, et al. studies, is our elimination of tractor yarding on clearcut units. Instead, Green Diamond utilizes shovel yarding that lifts and swings the logs to the road, and does not drag logs across the ground. This practice results in very limited soil disturbance — significantly less than tractor yarding. The use of these specially designed wide-tracked shovel loading machines also obviates the need to construct skid roads, resulting in double benefits. The shovel tracks travel over forest residuals such as tree branches with minimal disturbance of soil.

We believe that Green Diamond's unique conservation measures that are incorporated in the FMWDR, combined with the requirements of the FPRs, will protect and improve water quality and beneficial uses of water consistent with the requirement of the Basin Plan.

Again, we appreciate the opportunity to develop this comprehensive landscape approach to water quality permitting, and look forward to the completion of the process.

Sincerely,

A handwritten signature in cursive script that reads "Gary C. Ryneerson". The signature is written in black ink and is positioned above the typed name.

Gary C. Ryneerson, Manager

Forest Policy and Communications

From: Andrew Orahoske <andrew@wildcalifornia.org>
Sent: Sunday, September 02, 2012 8:18 PM
To: King, Kaete@Waterboards; St.John, Matt@Waterboards
Subject: Green Diamond WDR comments
Attachments: Buffleben 2011_TMDLs.pdf; Cafferata and Spittler 1998.pdf; Dunne_et_al_2001.pdf; Jones et al 2012.pdf; Klein et al 2011 Logging and Turbidity.pdf; Laetz et al 2009 - Coho & pesticides.pdf; Moreno-Mateos_et_al_2012_wetlands_loss.pdf; Reid 1999 - THP review response to Sen. Keely.pdf; Reid 2010 - Cumulative watershed effects.pdf; Reid and Lewis 2007.pdf

North Coast Regional Water Quality Control Board
c/o Kaete King & Matt St. John
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

RE: R1-2012-0087 – Waste Discharge Requirements for Timber Harvest on Green Diamond Resource Company lands

Dear Responsible Officials,

The Environmental Protection Information Center (EPIC) submits the following comments and attached supporting documentation (in this and the following emails) regarding the proposed order for Green Diamond Resource Company (GDRC) waste discharge requirements (WDRs).

As an initial matter, EPIC requests that the public comment period be extended to account for the lack of public involvement and the inability of the public to review cited documentation. The public comment period should be reopened and extended by at least another 30 days.

EPIC objects to the manner in which these WDRs were developed, behind closed doors, and without any genuine public involvement. Because the WDRs would cover roughly 400,000 areas and several watersheds, the water board and GDRC should have engaged in a more collaborative process to develop the WDRs. Instead, the water board staff and GDRC employees crafted these WDRs behind closed doors without any meaningful public involvement whatsoever. Only after the details of the WDR had been smoothed out, did the public have a brief moment to review hundreds of pages of documentation. Indeed, some of the documentation, was not even available to the public for review until after the public workshop. Most disturbing was a document produced in June 2012, that did not originally appear on the water board's website when the proposed order was announced. Instead the document entitled "Review of Green Diamond Resource Company's Timber Harvest Operations and Forest Management Activities As They Relate to Rate of Harvest and Cumulative Watershed Effects" (hereinafter "the disputed document") was posted to the water board's website after the public workshop. Even though the original announcement for the proposed order was dated August 1, 2012, the disputed document was not posted to the website, and therefore not available for public review until at least August 23, 2012. This fact alone is sufficient reason to reopen the comment period so that the public can assess and respond to this disputed document.

With respect to the proposed order, EPIC contends that nothing is contained within the conditions for the WDR that GDRC is not already committed to doing under other laws. The first several conditions

relate to pre-existing duties under the California Forest Practice Act & Rules. Next, the conditions require that GDRC abide by its existing Aquatic Habitat Conservation Plan ("AHCP"), permit granted for "taking" species listed under the federal Endangered Species Act. The remainder of the conditions merely restate existing commitments under the previously granted WDR for roads. This is clearly illegal under the Porter-Cologne Water Quality Control Act ("Porter-Cologne Act"), federal Clean Water Act ("CWA") and the California Environmental Quality Act ("CEQA"). The water board cannot simply rely upon ongoing actions to comply with other laws in order to satisfy the laws presently before them.

The water board should have prepared an Environmental Impact Report ("EIR") as required by CEQA. The large ownership and damaging forestry practices that GDRC engages in through several impaired watersheds is grounds for an EIR. The significant new information since GDRC received the AHCP and roads WDR are grounds for an EIR. EPIC attaches several documents that have not been analyzed by the water board in the Initial Study/Mitigated Negative Declaration ("IS/MND"). Not only has the water board failed to prepare an EIR, the IS/MND is more than two years old itself, and fails to include the best available science. The IS/MND is stale document that oversimplifies and dismisses the very real impacts of clearcut logging across roughly 400,000 acres in some of the wettest watersheds in the United States. For example, Klein et al (2011/2012) conclude that significant impacts occur to water quality when the rate of harvest in a watershed reaches 1.5% annually. The IS/MND and the AHCP do not address this issue. The late posted and "disputed document" referred to earlier in this comment attempts to dismiss the Klein et al (2011/2012) work by citing to non-peer reviewed work. In fact the so called science relied upon by the "disputed document" was prepared by a paid consultant moonlighting for another clearcutting timber operator, Campbell Timber Management, that has controversial and illegal timber harvest plans in deep controversy in Mendocino County. This junk science produced by a paid mercenary-scientist is not peer reviewed and fails to account for the clear conclusions in Klein et al (2011/2012).

The water board is bound by a legal settlement with EPIC and other parties to actually ensure that WDRs will recover impaired watersheds. That settlement is attached. The water board's proposed order fails to demonstrate that water quality will in fact be improved on the affected watersheds, and that the WDR will in fact recover the impaired watersheds.

We are very disappointed by the lack of initiative and innovation on the part of water board staff in rubber stamping this draft WDR produced, it seems, entirely by GDRC staff and paid consultants.

Should the water board not immediately reopen the public comment period, and begin meaningful engagement with the public, EPIC will be forced to file suit against the agency for this complete abdication of responsibility. As written the proposed WDR is illegal.

Andrew J. Orahoske
Conservation Director

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September 3, 2012

North Coast Regional Water Quality Control Board
David C. Joseph Room
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

RE: August 23, 2012 Meeting, Item # 9:
Waste Discharge Requirements (WDR) for Discharges Related to Green Diamond Resource Company's FWDR

Dear Regional Board Members:

I want to thank you and your staff for helping me present the Mad River Alliance's collection of recent publications regarding the relationship between timber harvest rate and sediment sources within the Mad River Watershed on August 23rd, 2012.

Upon my departure I was greeted at the door by NCRWQCB staff Fred Blatt and Kaete King as well as three employees of Green Diamond Resource Company. I was then informed that this document; "Review of Green Diamond Resource Company's Timber Harvest Operations and Forest Management Activities As They Relate to Rate of Harvest and Cumulative Watershed Effects" (June 2012), was being e-mailed to me. When I got home that document as well as two others: "Green Diamond Resource Company Forest Management Waste Discharge Requirements To be issued by the North Coast Regional Water Quality Control Board PROJECT DESCRIPTION" (July 17, 2012) and "Green Diamond RMWDRs and Proposed FMWDRs COVERED ACTIVITIES MATRIX" had also been sent to me, which gave the Mad River Alliance 6 business days to review a 66 page technical document, and the other two documents.

Some research revealed the "Review of Green Diamond Resource Company's Timber Harvest Operations and Forest Management Activities As They Relate to Rate of Harvest and Cumulative Watershed Effects" was not available on the North Coast Regional Water Quality Control Board's public web site until after the 23rd yet was published June 2012.

This does not allow adequate time for Mad River Alliance to provide fair and objective comments on these documents. I'm not familiar with the customary time period allowed for a community group to make comment, but to send out and get feedback from the MRA research team takes more than 6 business days. To respect the democratic goals of the Mad River Alliance I would like to have our research team present their analysis of the above documents at our regular meeting which will take place on September 18th at 3:30pm. If it is no inconvenience to the water board or staff I would like to provide feed back from the Mad River Alliance to the NCRWQCB by Friday September 21st. As you may know this is a diverse community group including participation from a wide array of scientist and other community members with a great deal of knowledge and interest in the Mad River Watershed. I feel it would better server the public interest to include our thoughtful review of the above listed documents by September 21st, 2012.

Respectfully,

Dave Feral
Mad River Alliance
134 Esther Ln.
Arcata CA 95521

Mission

The Mad River Alliance works to protect clean water and the biological integrity of the Mad River Watershed for the benefit of its human and natural communities.