May 15, 2007

Song Her
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: Comment Letter-Wetland and Riparian Area Protection Policy

Dear Members of the Board,

Timber Products Company (TPC) submits the following comments in regard to the proposed project entitled “Proposed Wetland and Riparian Area Protection Policy” (proposed policy). TPC manages approximately 115,000 acres of timberland, primarily in Siskiyou County in northern California. We have reviewed the informational document associated with the proposed policy and submit the following comments from our perspective as a landowner with the goal of producing high quality timber products while protecting soil, air, fish, wildlife, water resources and other public trust resources of the state.

TPC believes the scope of the policy should be limited to Alternatives 1 or 2 as outlined in the informational document. Substantial regulations and regulatory authorities exist which protect wetlands and riparian areas (including ephemeral streams) on timberlands which are no longer subject to federal oversight as a result of the SWANCC Supreme Court decision of 2001:

1. California Forest Practice Rules (Title 14, California Code of Regulations Chapters 4, 4.5, and 10). Article 6 of subchapters 4, 5, and 6 lays out the specific protection measures to be applied along wetlands and within riparian areas while there are other articles regulating silviculture, harvesting practices and erosion control, site preparation, hazard reduction, and logging roads which all have provisions for the protection of water quality. In addition, Article 2 of subchapters 4, 5, and 6 contains a cumulative impacts checklist which, among other things, requires the assessment of the potential for the effects on peak flows from proposed timber operations.

2. Department of Fish and Game Regulations Sections 1600-1616 cover dredging and fill operations within upland streams and Section 1611 specifically incorporates the timber harvest plan review process.
(3) Regional water boards are using conditional waivers and general waste
discharge requirements to provide further regulatory oversight of timber
operations.

The State Board of Forestry and Fire Protection (BOF) has formed a Technical
Advisory Committee (TAC) to review the scientific basis for many regulations protecting
water quality. TPC believes that the SWRCB should coordinate with the BOF prior to
initiating any effort to draft a policy which addresses wetland and riparian area
protection within forested watersheds. The policy effort will be well-informed by such
coordination. In addition, a lack of coordination will surely lead to duplicative policies
and permitting processes, further reducing the ability of California timberland owners to
compete with timberland owners in other states and countries. The informational
document associated with the proposed policy cites the California Wetlands
Conservation Policy (WCP) as justification for additional regulatory attention to wetlands
and riparian areas. The goal of the WCP is to develop a policy framework and strategy
which, among other things, will “Reduce procedural complexity in the administration of
State and Federal wetlands conservation programs.” Duplicative regulations are clearly
contrary to the goal of reducing regulatory complexity.

TPC appreciates the opportunity to provide comments on this issue.

Sincerely,

Chris Quirmbach
Chris Quirmbach
Forester
RPF #2623