

Exhibit B

JAMES L. ABLE  
FORESTRY CONSULTANTS, INC.

1410 Second Street  
Eureka, CA 95501

(707) 445-4130

June 3, 2009

Chair Anderson and Board Members  
North Coast Regional Water Quality Control Board  
5550 skylane boulevard, Suite A  
Santa Rosa, CA 95403

Re: Costs Related to Proposed Categorical Waivers for NTMPs

Dear Chair Anderson and Board Members:

My name is Dan Cohoon and I was party to the presentation given to you, other Board members and Staff during the public comment period by Buckeye at the meeting held in May in Fortuna. During this presentation, and subsequent letter and concerns expressed to you and the Water Board Staff in writing, there has been discussion as to the costs of the proposed new Categorical Waiver process to NTMP landowners. To give you some insight in actual costs that will be incurred, the following are actual costs incurred to address an annual ECP development and write up for a Notice of Operations for an existing NTMP. Also included is the cost estimate to expand this to the entire ownership as required under the proposed new Waiver process.

**Costs under the current Categorical Waiver process -**

Acres covered by the NTO =	300 acres +/-
Costs of annual ECP preparation (including ECP site evaluation on the NTO area and appurtenant roads and the write up) =	\$2,450

**Costs anticipated under the proposed Categorical Waiver process -**

Acres covered by the NTMP =	2,400 acres +/-
Estimated Costs of ECP preparation for the entire NTMP =	\$15,750

Note: The average annual costs of NTO preparation, other than the above indicated expenses, has been around \$5,000. This includes the notice preparation, biological and botanical evaluations and the marking of all timber to be harvested. It should also be noted that under the proposed Waiver process not only will the NTMP wide ECP need to be developed but it is required to be "updated for each submittal of the Notice of Timber Operations (NTO)". Annual costs for this will be similar to the annual ECP preparation costs indicated above.

The above figures are base on actual costs incurred within the 2009 season and I hope shed some light on the economic burden being placed on these landowners just for the permit portion of this process.

Thank you for your time and consideration.

Sincerely,



Daniel G. Cohoon, R. P. F. # 2069

Exhibit C



**California Regional Water Quality Control Board  
North Coast Region  
Bob Anderson, Chairman**



Linda S. Adams  
Secretary for Environmental  
Protection

www.waterboards.ca.gov/northcoast  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Arnold  
Schwarzenegger  
Governor

Questionnaire for economic considerations

For

Proposed Revisions to the Categorical Waiver of Waste Discharge Requirements for  
Timber Harvesting Activities on Non-Federal Lands in the North Coast Region

As you know, on June 4, 2009 the North Coast Regional Water Quality Control Board is scheduled to consider adoption of Order No. R1-2009-0038, revising the Categorical Waiver of Waste Discharge Requirements for Timber Harvesting Activities on Non-Federal Lands in the North Coast Region. The draft order can be viewed on our website at: [http://www.waterboards.ca.gov/northcoast/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/)

We are requesting input from timberland owners and Registered Professional Foresters (RPFs) that would assist the Regional Board in further understanding the potential economic impacts the proposed changes to the Categorical Waiver may have. Your answers will provide the Board valuable information.

We are hoping that you can provide an estimate of the cost of preparation of technical reports for THPs and NTMPs that you believe are above and beyond requirements already required for compliance with the Forest Practice Rules (FPRs) in order to receive an approved enrollment in a categorical waiver. This estimate should not include the cost of implementation (except where the cost of implementation is specifically requested, as in the case of inspections). We ask that you send us your estimates by May 25, 2009 so that we will be able to present this information to the Water Board in our report.

We understand these are rough estimates and that different situations will require different levels of involvement. For that reason, the questions have been qualified as to the scope of a report, for instance, acreage and numbers of sediment sites for an Erosion Control Plan (ECP). A range of costs would be helpful. Also, in presenting this to the Board, we will explain the nature of the estimates. Any information you can provide as to how you arrived at an estimate is very helpful as well. We appreciate your willingness to take the time to give these questions your consideration.

Thank you for your time in responding. We believe the information will be valuable for completing the revision to the waiver. Please contact me at (707) 795-7235, or by email at [jburke@waterboards.ca.gov](mailto:jburke@waterboards.ca.gov), if you have any questions or need additional information.

California Environmental Protection Agency

Recycled Paper

EXHIBIT C

Sincerely,

Jim Burke  
Engineering Geologist.  
Timber Division  
NCRWQCB

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PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is Hall of Justice Building, 813 Sixth Street, Third Floor, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On July 6, 2009, I served a true and correct copy of:

DECLARATION OF LISA WEGER IN SUPPORT OF REQUEST FOR  
CONSIDERATION OF SUPPLEMENTAL EVIDENCE

X (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Somach Simmons & Dunn, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Sacramento, California.

Catherine Kuhlman, Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403-1072  
Phone: (707) 576-2225 (direct)  
(707) 576-2220 (main)

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on July 6, 2009, at Sacramento, California.

  
Crystal Rivera

SOMACH SIMMONS & DUNN  
A Professional Corporation

1 SOMACH SIMMONS & DUNN  
A Professional Corporation  
2 THERESA A. DUNHAM, ESQ. (SBN 187644)  
DANIEL KELLY, ESQ. (SBN 215051)  
3 813 Sixth Street, Third Floor  
Sacramento, CA 95814-2403  
4 Telephone: (916) 446-7979  
Facsimile: (916) 446-8199

5 Attorneys for Petitioners Weger Interests, Ltd.,  
6 Parker Ten Mile Ranch, Bradford Ranch, Miller  
Tree Farm, and RPH Comptche Properties



7  
8  
9 BEFORE THE  
10 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD  
11

12 In the Matter of the Petition of Weger  
Interests, Ltd., Parker Ten Mile Ranch, Bradford  
13 Ranch, Miller Tree Farm, and RPH Comptche  
Properties for Review of Action and Failure to  
14 Act by North Coast Regional Water Quality  
Control Board.

SWRCB/OCC File \_\_\_\_\_

DECLARATION OF WAYNE MILLER  
IN SUPPORT OF REQUEST FOR  
CONSIDERATION OF  
SUPPLEMENTAL EVIDENCE

15  
16 I, Wayne Miller, declare as follows:

- 17 1. I am a general partner in the Miller Family, LLC, which owns and operates the  
18 Miller Tree Farm.
- 19 2. I serve as the managing partner of its timber harvest operations.
- 20 3. Miller Tree Farm has an estimated 1,800 acres in Mendocino County that are  
21 subject to an approved Non-industrial Timber Management Plan (NTMP) from the California  
22 Department of Forestry and Fire Protection.
- 23 4. In 1998, Miller Tree Farm agreed to voluntarily participate in the Mendocino  
24 County Stream Temperature Monitoring Program through the University of California Office of  
25 Cooperative Extension, Mendocino County, California.
- 26 5. In conjunction with the Mendocino County Stream Temperature Monitoring  
27 Program and as part of its ongoing timber management operations, Miller Tree Farm collected  
28

1 stream temperature monitoring data from 1998-2008 for two streams: Little North Fork Ten Mile  
2 River (LNF) and Sawdust Gulch, a tributary to the Little North Fork.<sup>1</sup>

3 6. The stream temperature monitoring data is collected by placing submerged data  
4 loggers into the stream.

5 7. The data loggers continually recorded temperature data every 30 minutes during  
6 the summer and fall periods.

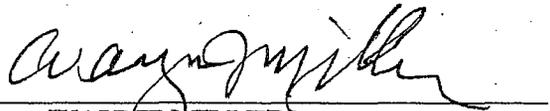
7 8. Temperature data is retrieved from the data loggers through an interface with a  
8 computer program that is maintained by the University of California Office of Cooperative  
9 Extension.

10 9. Once retrieved, all data is downloaded and permanently cataloged by the  
11 University of California Office of Cooperative Extension in Mendocino County, and copies of the  
12 data are provided to the landowners participating in the Mendocino County Stream Temperature  
13 Monitoring Program.

14 10. Exhibit A attached hereto is a true and correct copy of stream temperature data  
15 collected on property owned and operated by Miller Tree Farm, as downloaded by the University  
16 of California Office of Cooperative Extension in Mendocino County, and as provided to Miller  
17 Tree Farm by the University of California Office of Cooperative Extension in Mendocino  
18 County.

19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct.

21  
22 DATED: July 2, 2009

  
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WAYNE MILLER

<sup>1</sup> Please note that no data was collected for Little North Fork Ten Mile River and Sawdust Gulch in 2004 and 2006,  
and no data was collected for Sawdust Gulch in 2005.

Exhibit A

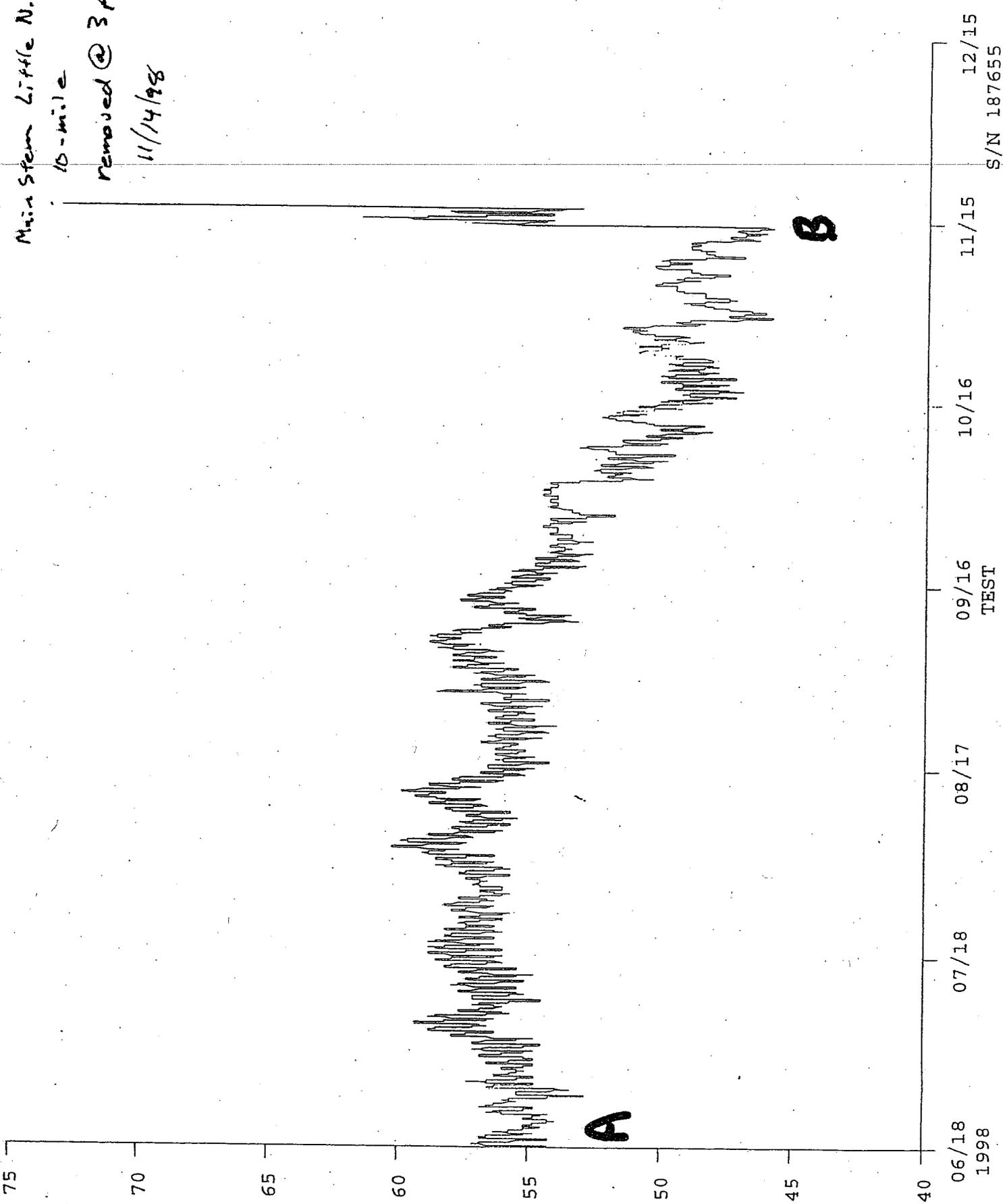
1448

Miller Z

Main Stem Little N. Fork  
10-mile

Removed @ 3 pm

11/14/98



A

B

TEMPERATURE

EXHIBIT A

1998

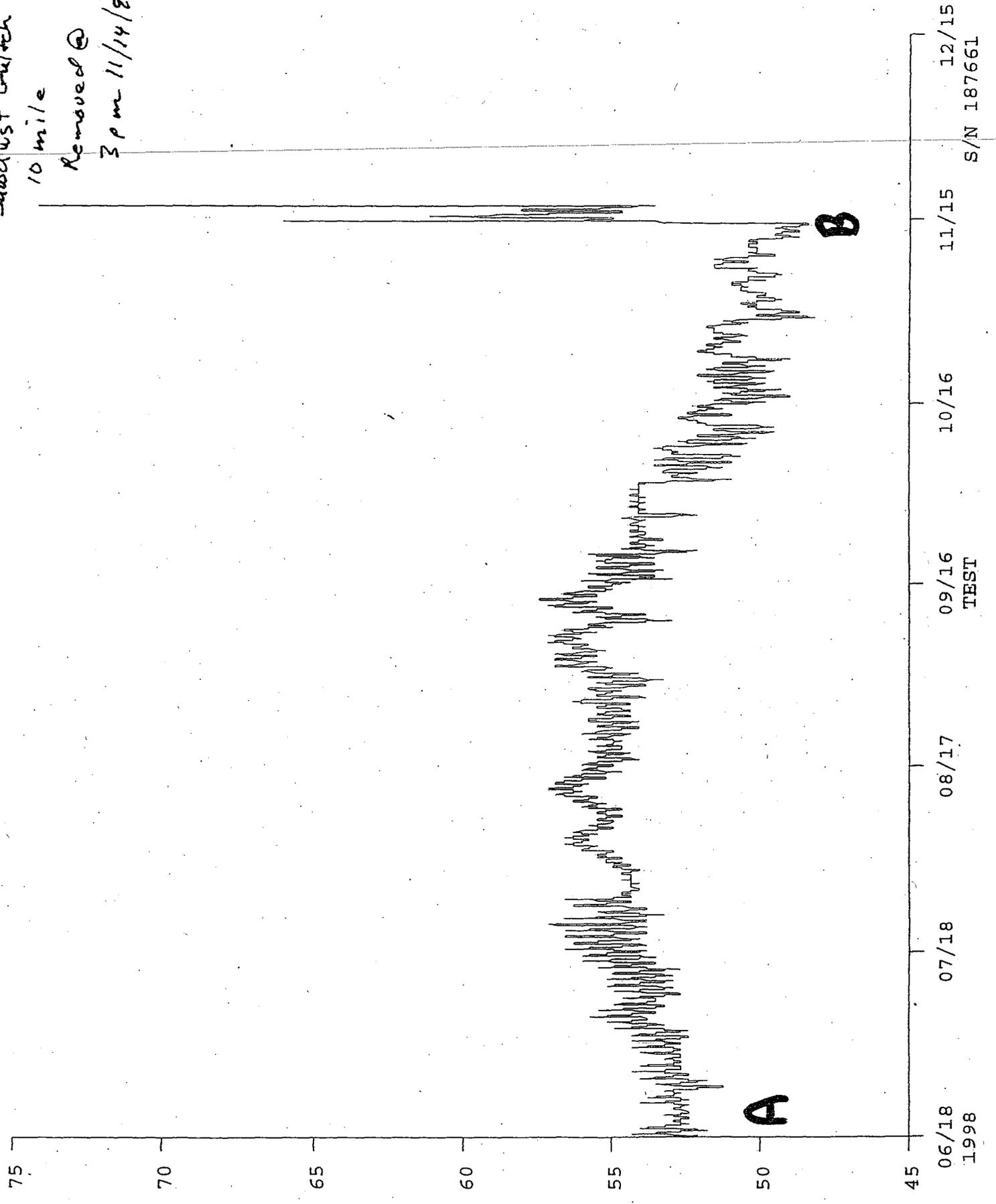
Miller 1

Sawdust Gulch

10 mile

Removed @

3 pm 11/14/88



06/18  
1998

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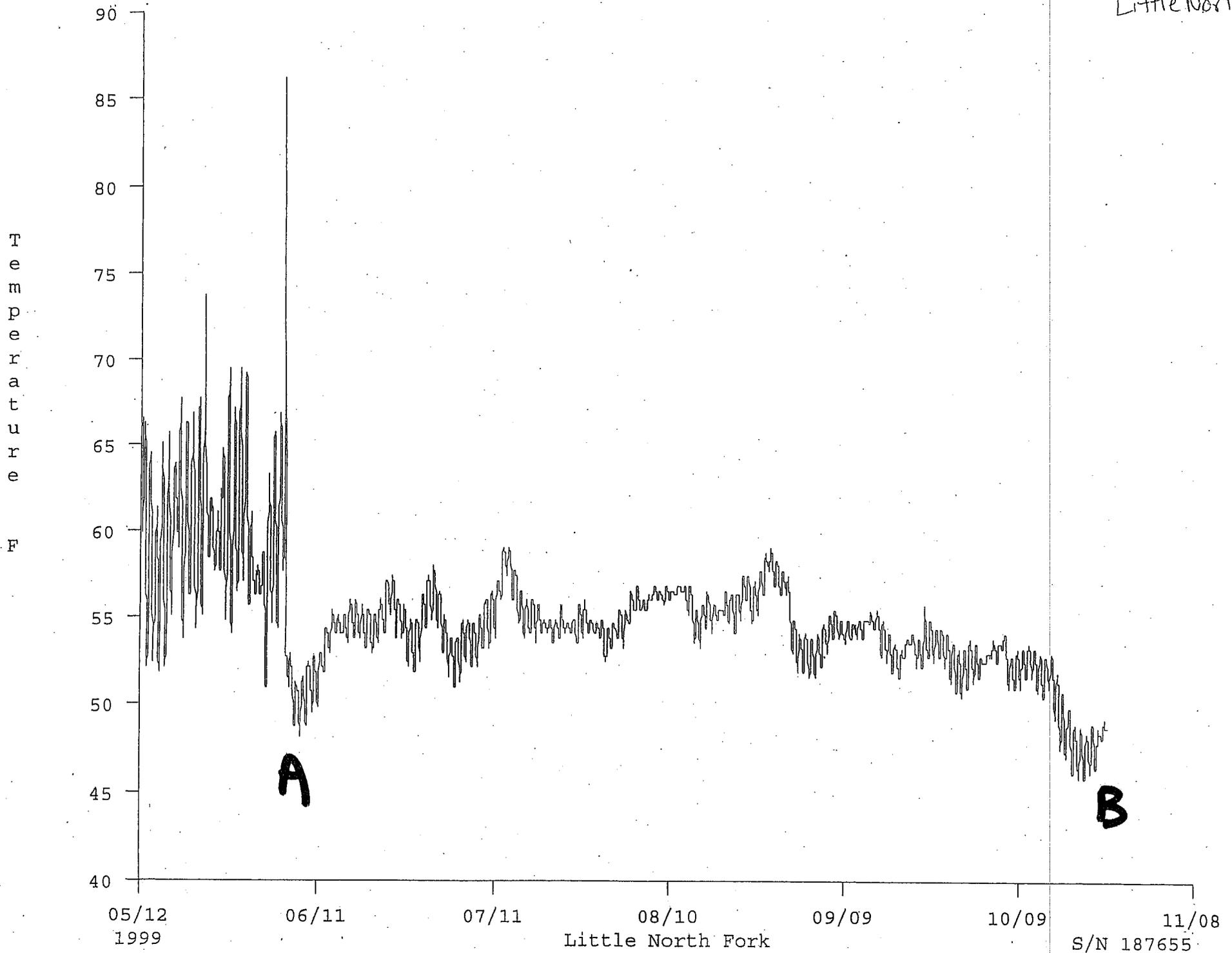
09/16  
TEST

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Little North Fork



A

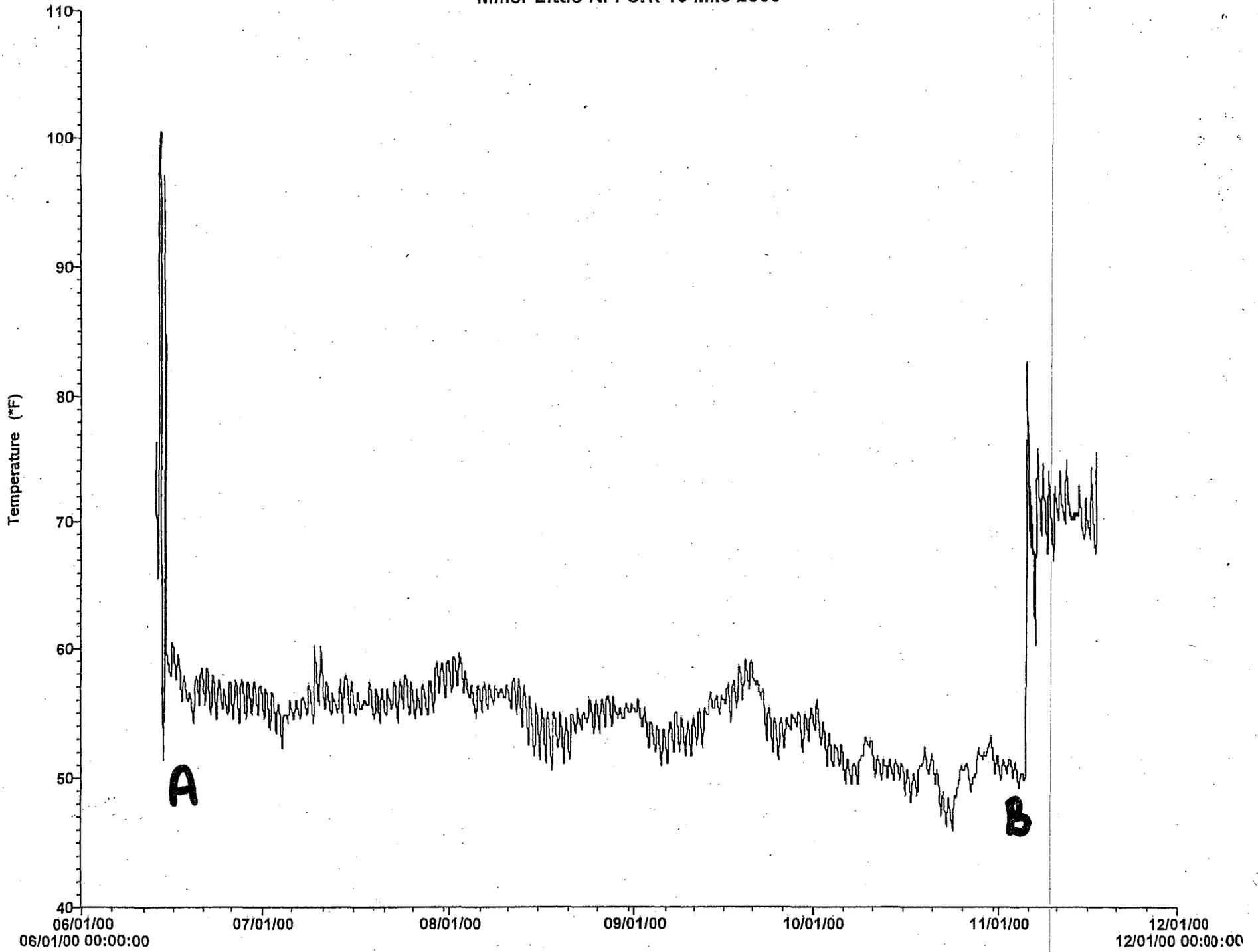
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Little North Fork

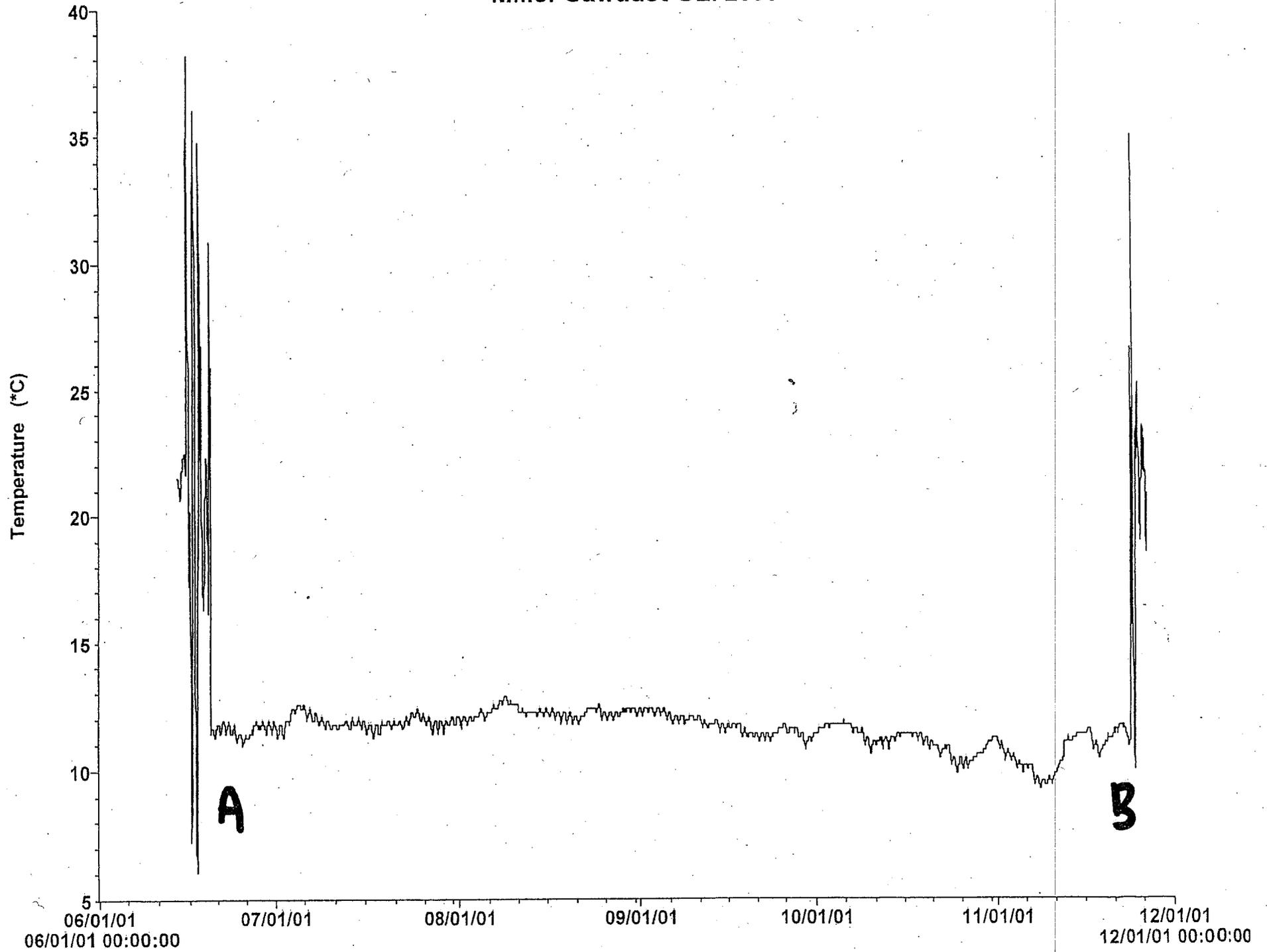
S/N 187655



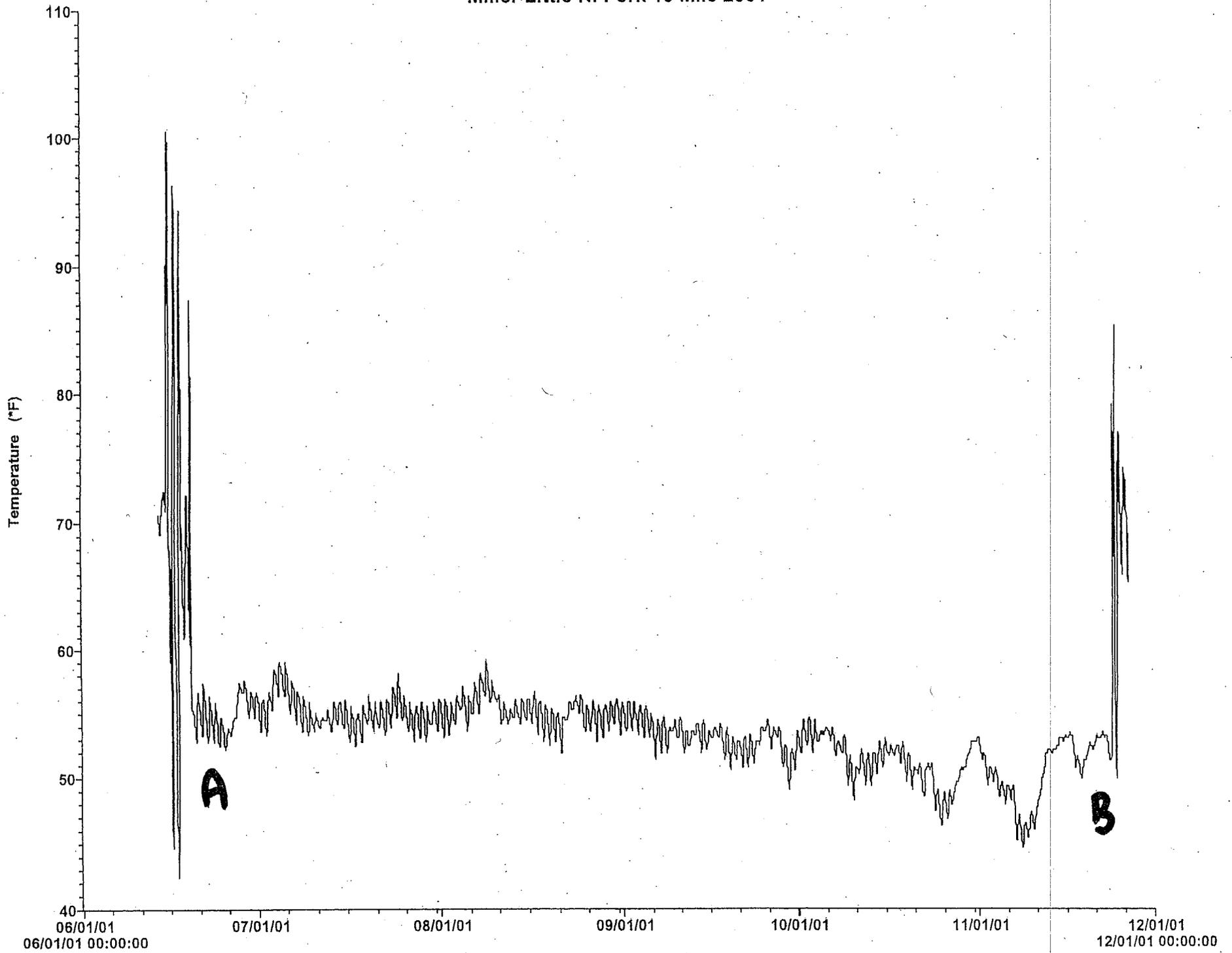
Miller Little N. Fork 10 Mile 2000



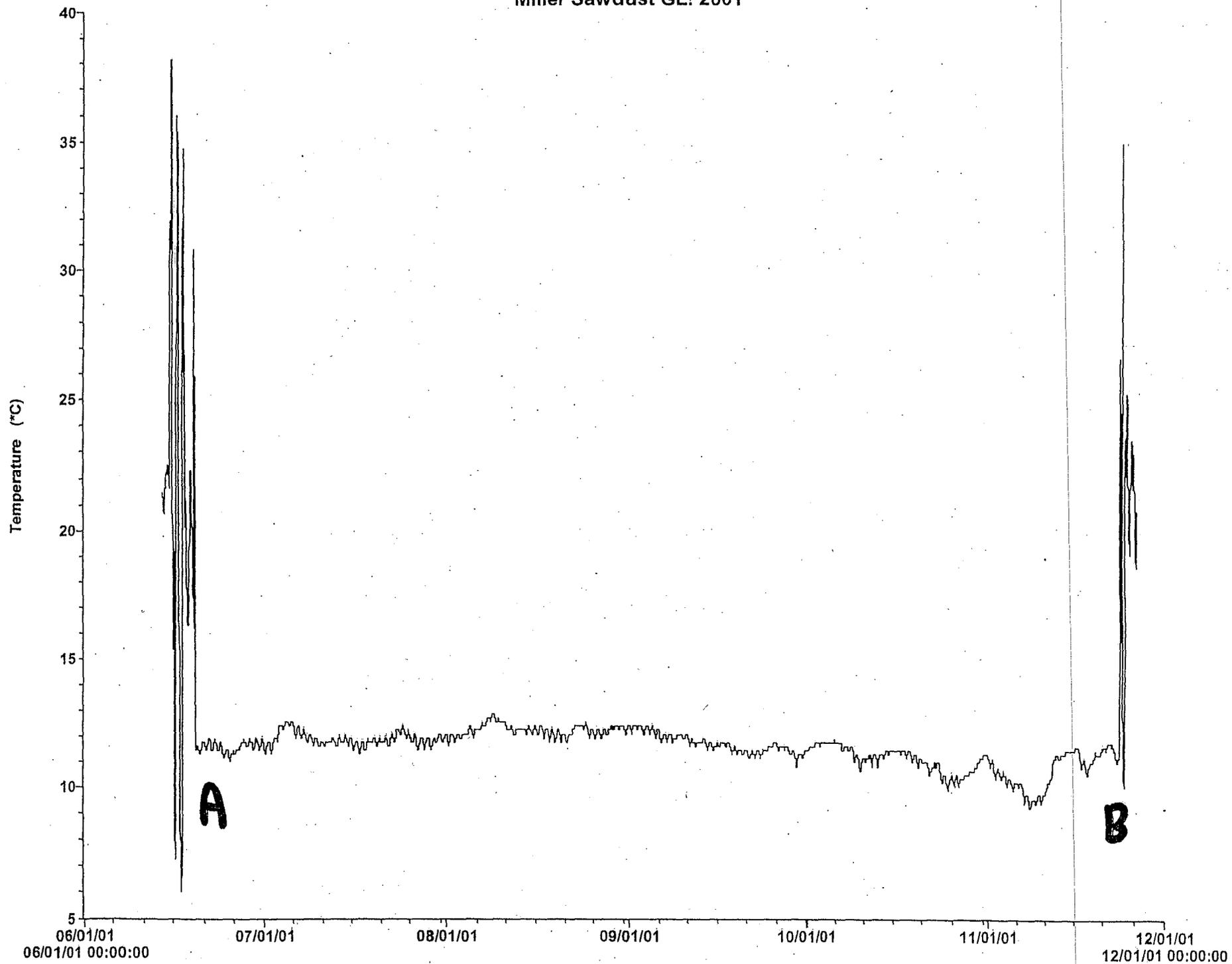
# Miller Sawdust GL. 2000



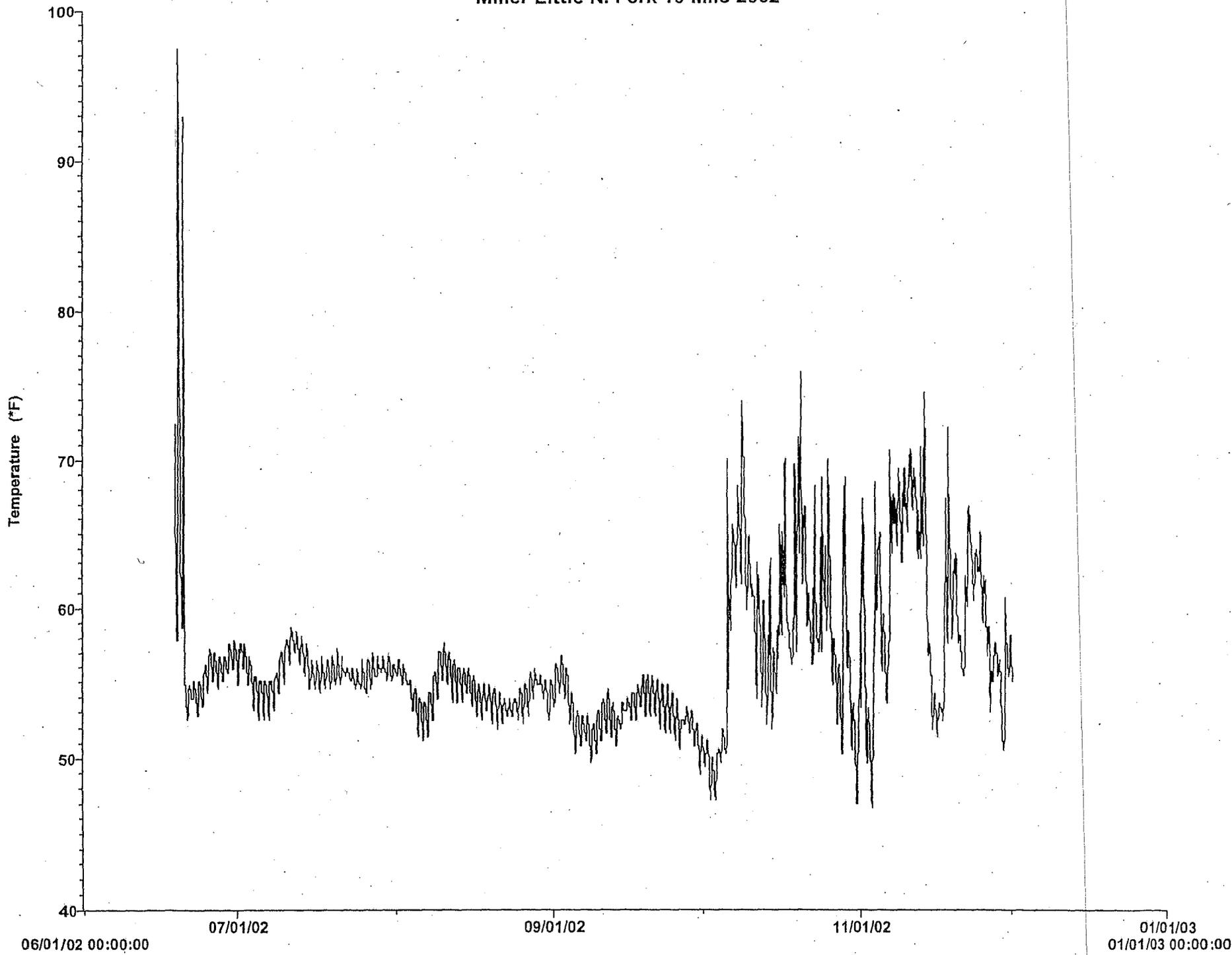
Miller Little N. Fork 10 Mile 2001



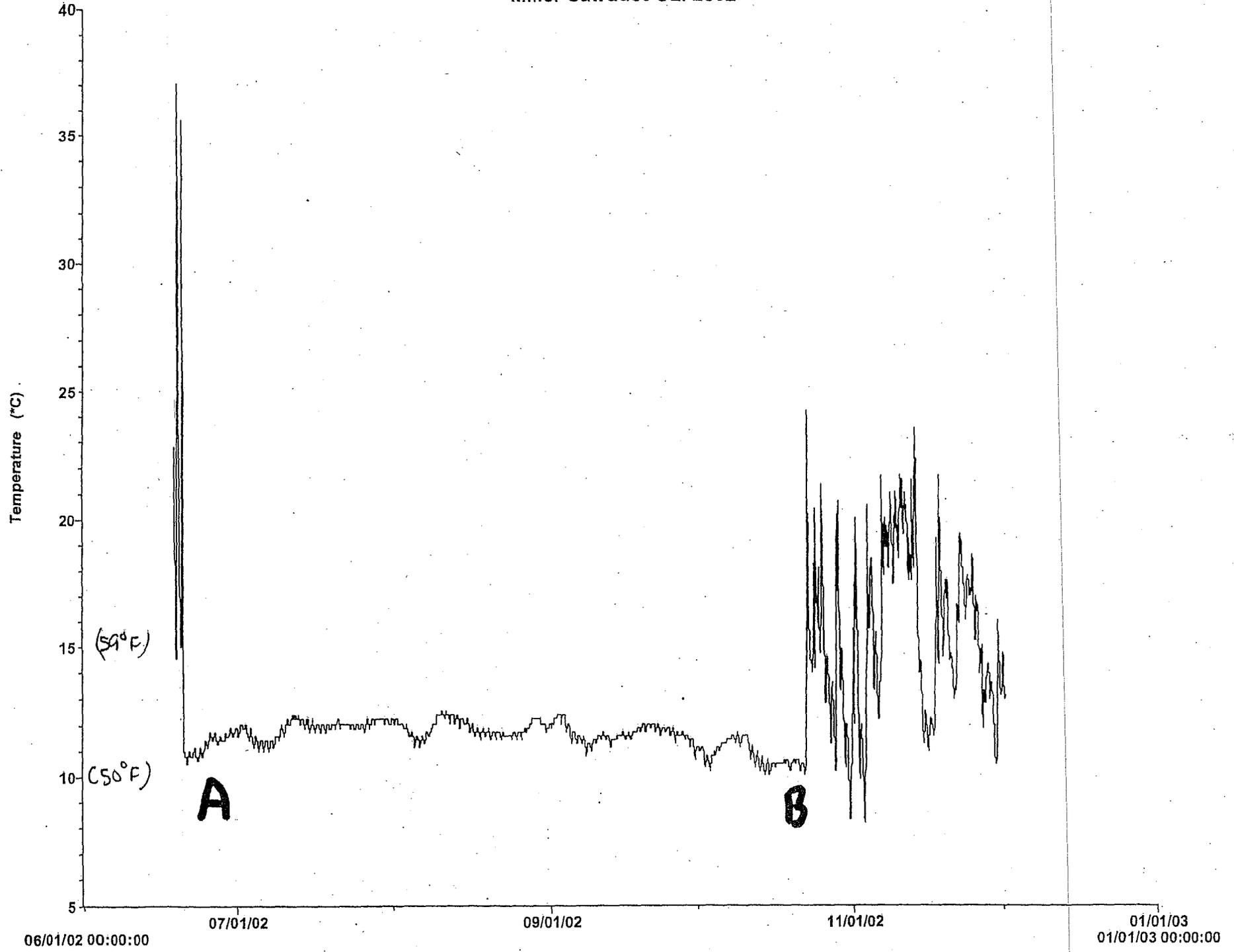
Miller Sawdust GL: 2001



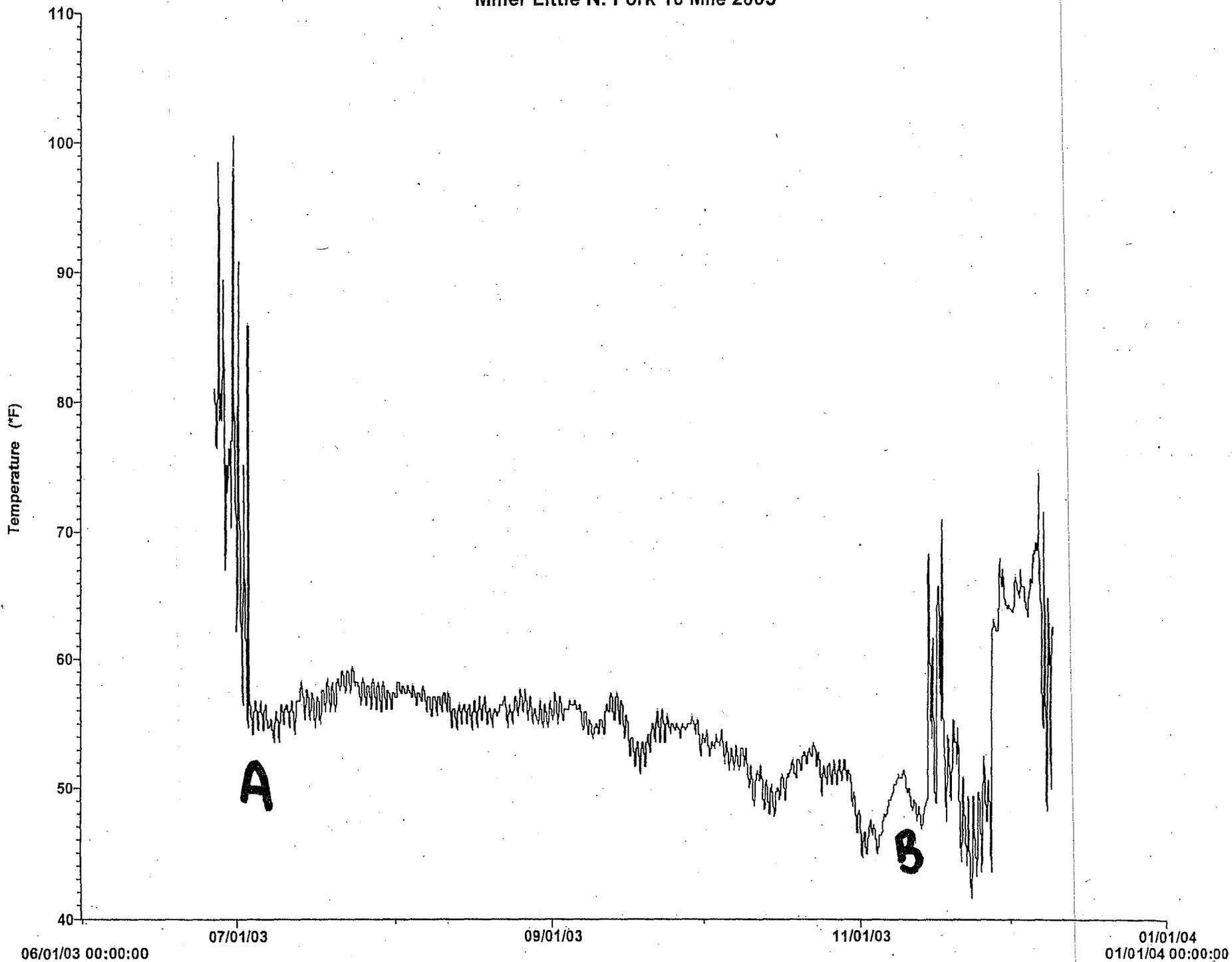
Miller Little N. Fork 10 Mile 2002



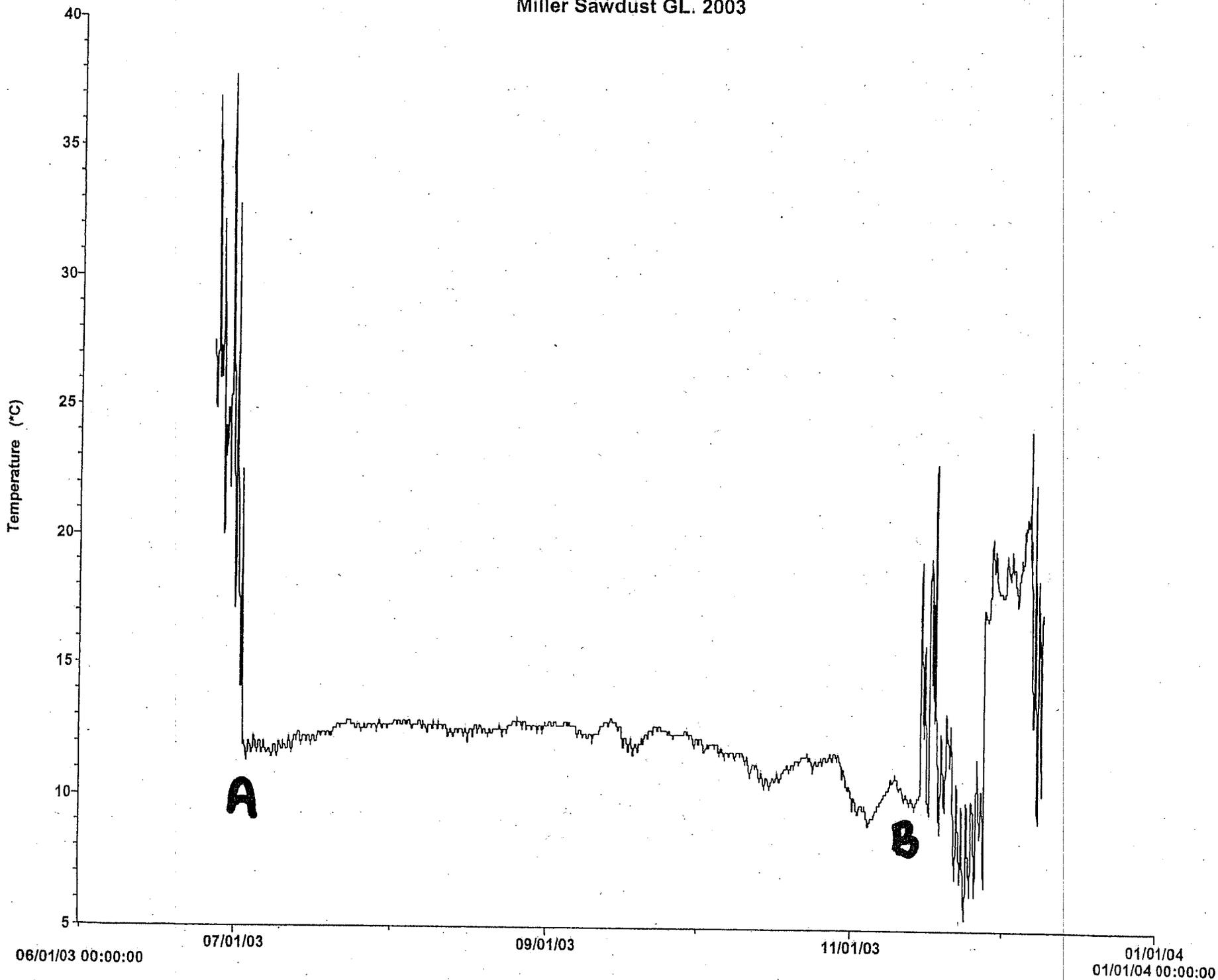
Miller Sawdust GL. 2002



Miller Little N. Fork 10 Mile 2003



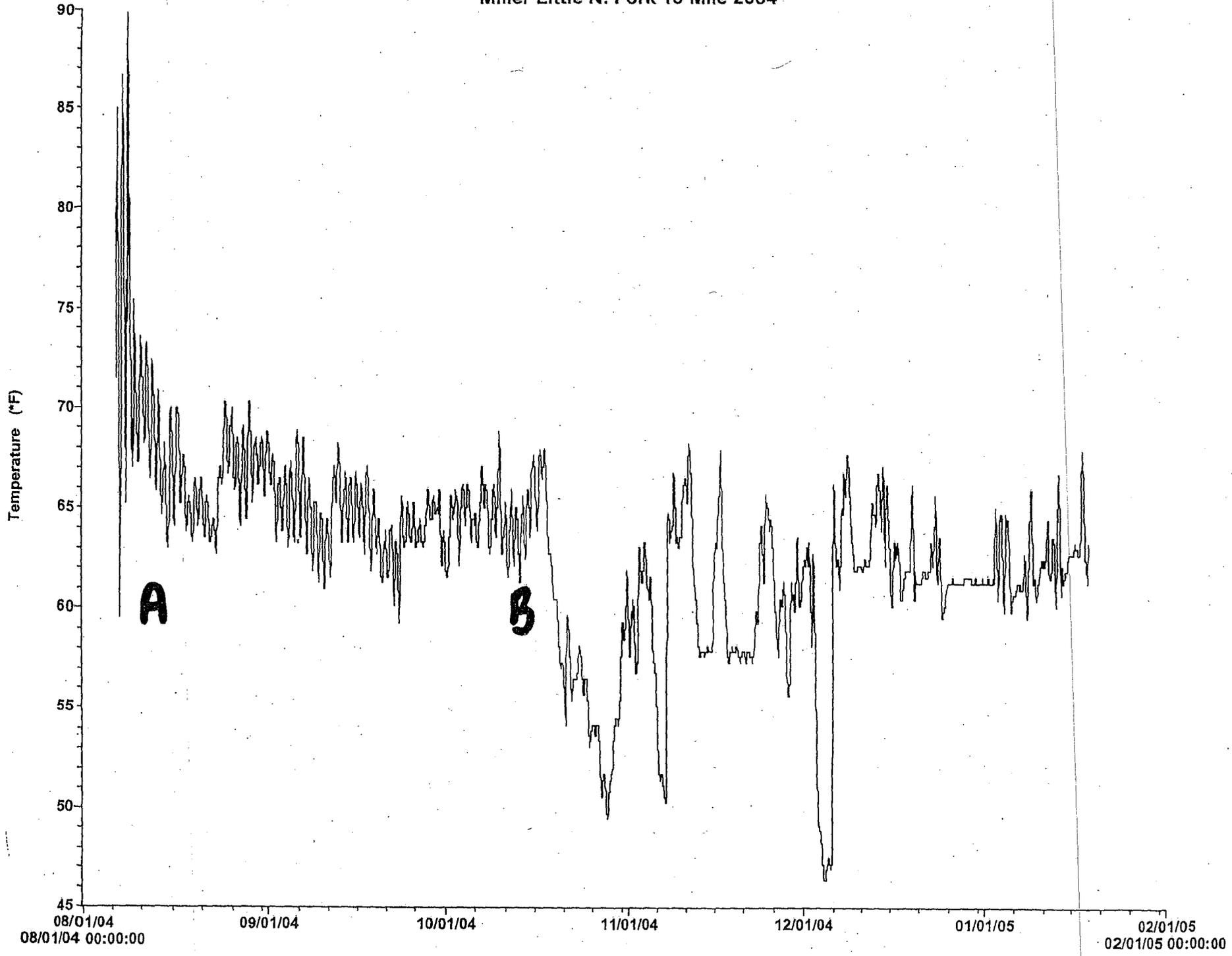
Miller Sawdust GL. 2003



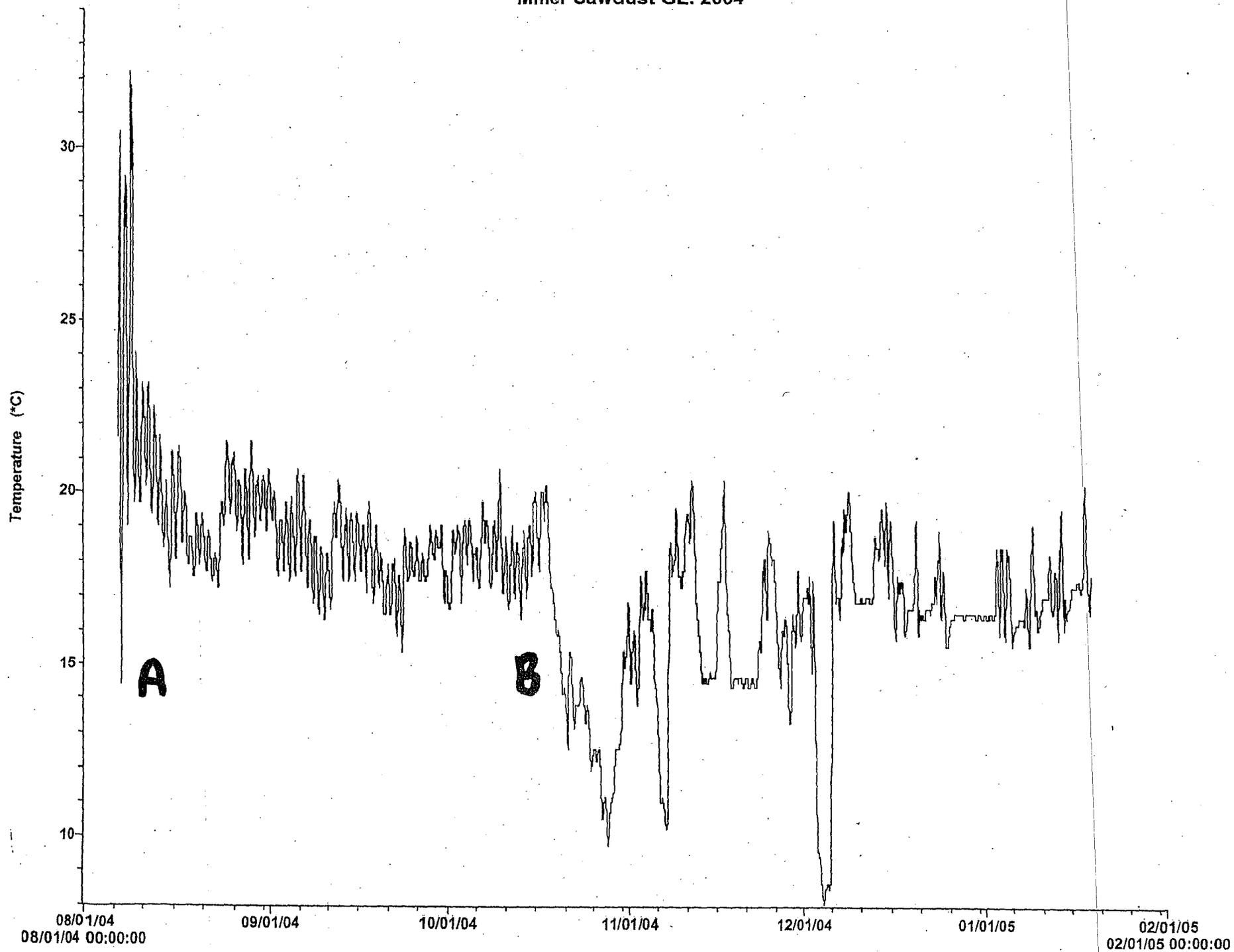
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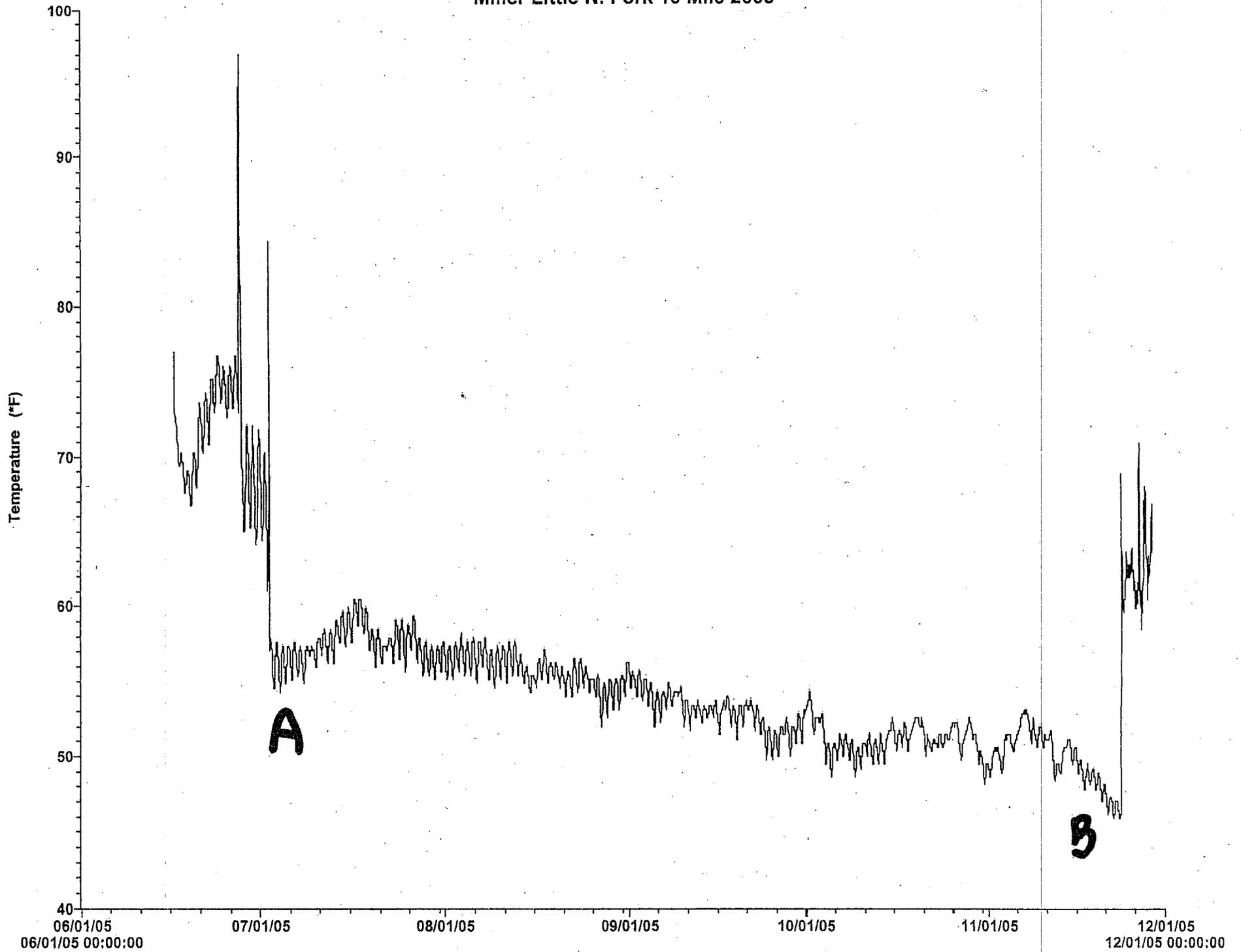
Miller Little N. Fork 10 Mile 2004



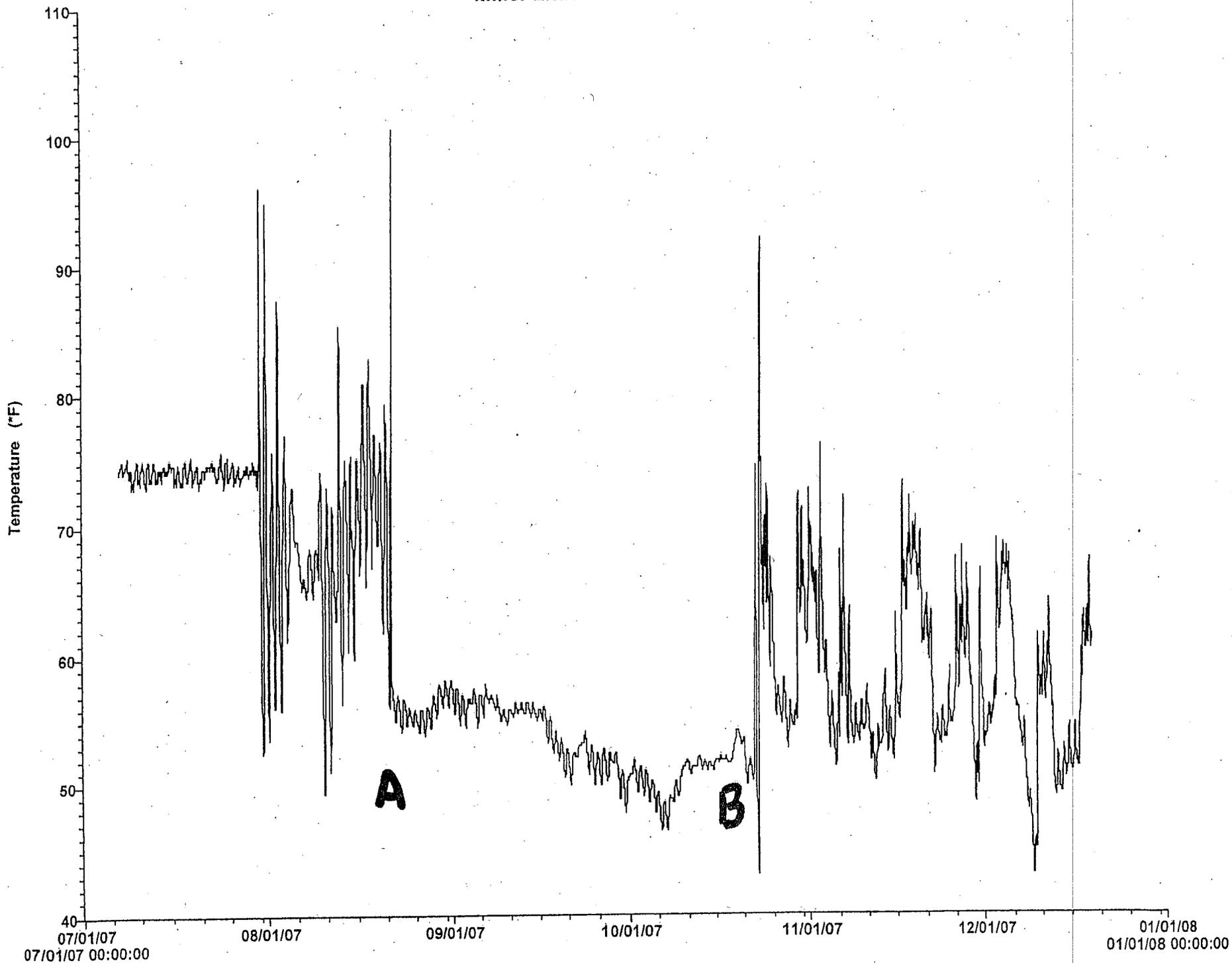
Miller Sawdust GL. 2004



# Miller Little N. Fork 10 Mile 2005



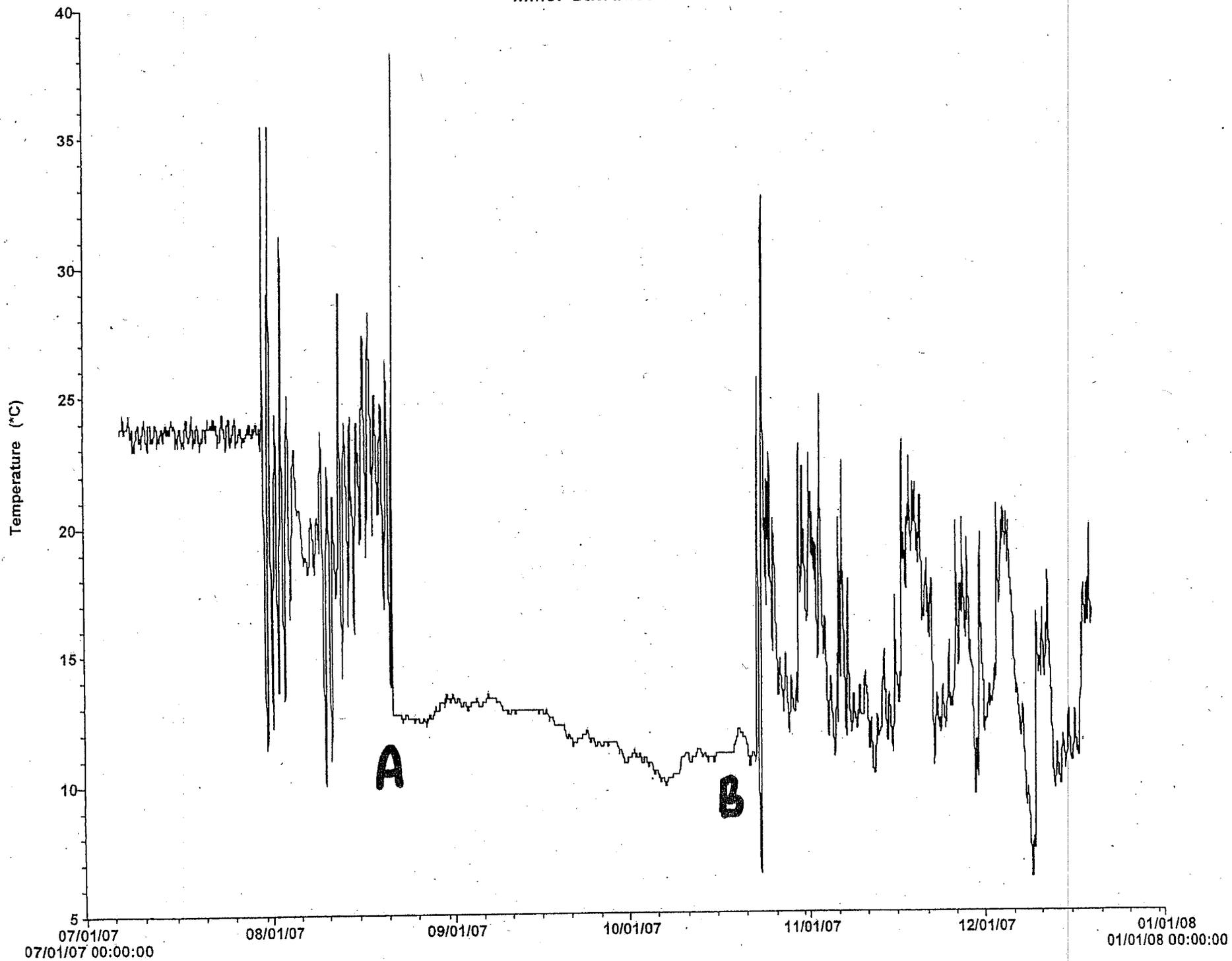
Miller Little N. Fork 10 Mile 2007



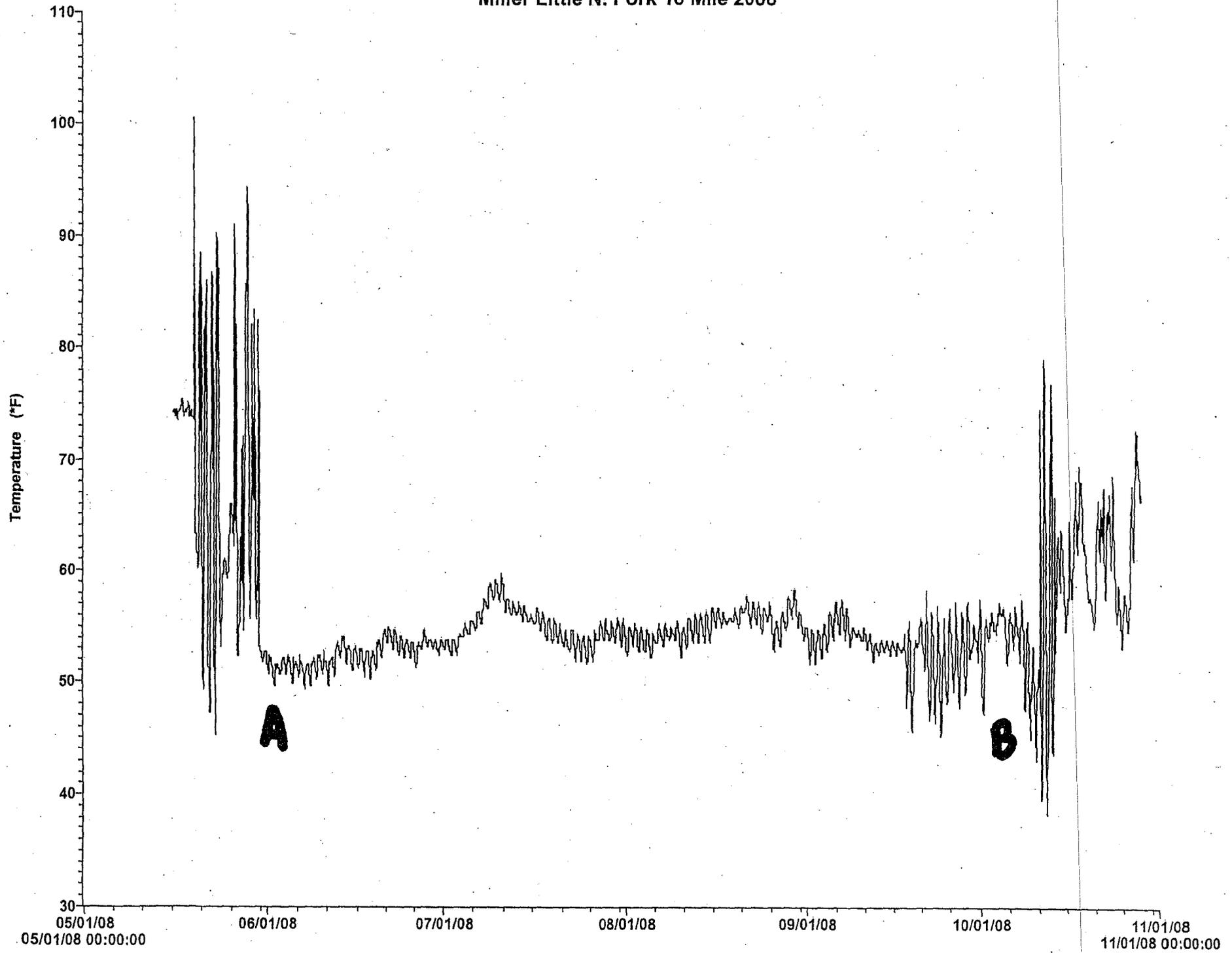
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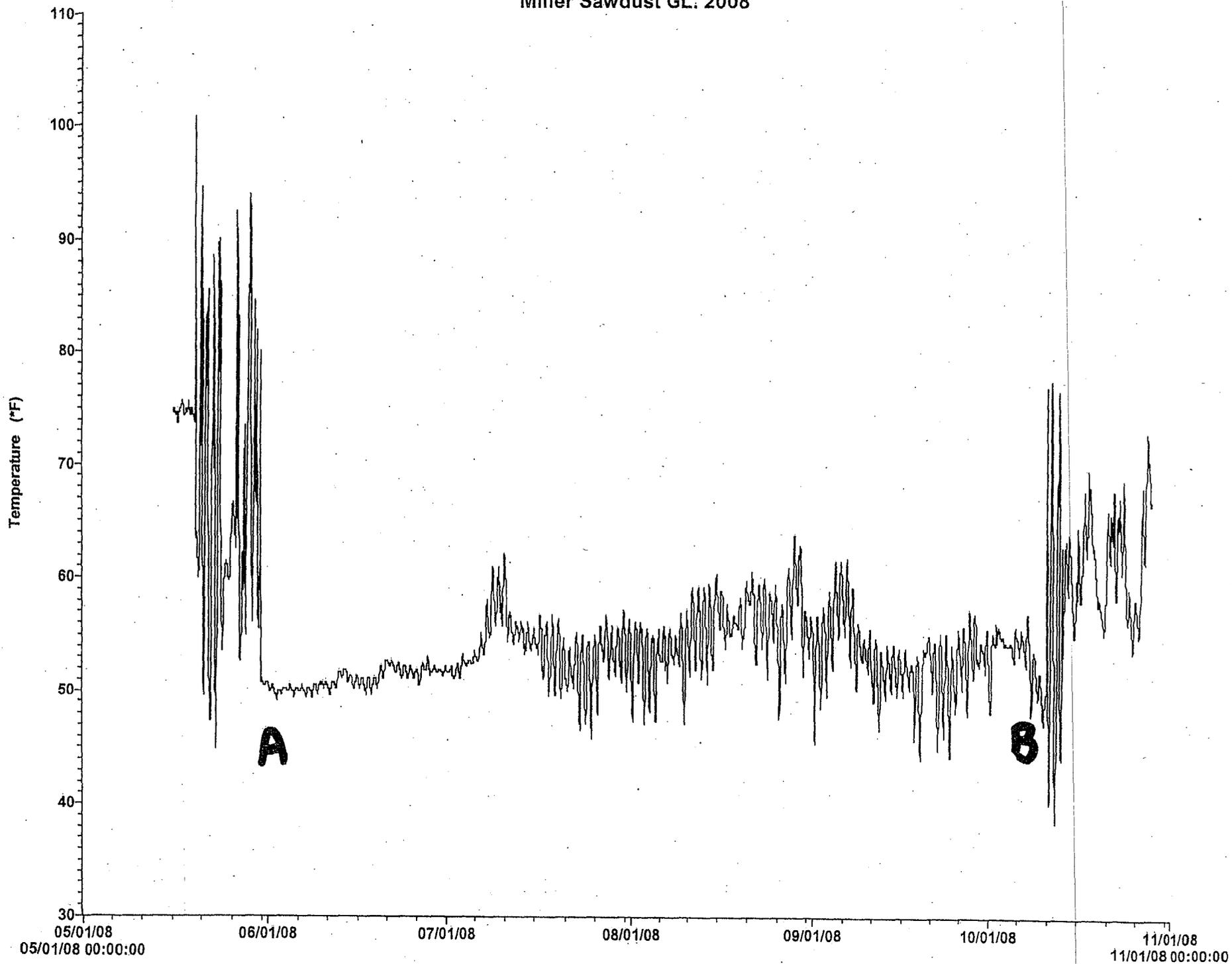
Miller Sawdust GL. 2007



Miller Little N. Fork 10 Mile 2008



Miller Sawdust GL. 2008



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PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is Hall of Justice Building, 813 Sixth Street, Third Floor, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On July 6, 2009, I served a true and correct copy of:

DECLARATION OF WAYNE MILLER IN SUPPORT OF REQUEST FOR  
CONSIDERATION OF SUPPLEMENTAL EVIDENCE

X (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Somach Simmons & Dunn, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Sacramento, California.

Catherine Kuhlman, Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403-1072  
Phone: (707) 576-2225 (direct)  
(707) 576-2220 (main)

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on July 6, 2009, at Sacramento, California.

  
\_\_\_\_\_  
Crystal Rivera

SOMACH SIMMONS & DUNN  
A Professional Corporation

1 SOMACH SIMMONS & DUNN  
A Professional Corporation  
2 THERESA A. DUNHAM, ESQ. (SBN 187644)  
3 DANIEL KELLY, ESQ. (SBN 215051)  
4 813 Sixth Street, Third Floor  
Sacramento, CA 95814-2403  
5 Telephone: (916) 446-7979  
6 Facsimile: (916) 446-8199

7 Attorneys for Petitioners Weger Interests, Ltd.,  
8 Parker Ten Mile Ranch, Bradford Ranch, Miller  
9 Tree Farm, and RPH Comptche Properties



10 BEFORE THE  
11 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

12 In the Matter of the Petition of Weger  
13 Interests, Ltd., Parker Ten Mile Ranch, Bradford  
14 Ranch, Miller Tree Farm, and RPH Comptche  
15 Properties for Review of Action and Failure to  
Act by North Coast Regional Water Quality  
Control Board.

SWRCB/OCC File \_\_\_\_\_

DECLARATION OF PETER PARKER IN  
SUPPORT OF REQUEST FOR  
CONSIDERATION OF  
SUPPLEMENTAL EVIDENCE

16 I, Peter Parker, declare as follows:

- 17 1. I am a general partner in Parker Ten Mile Ranch, Ltd., and President of Parker  
18 Timber LLC.
- 19 2. Parker Ten Mile Ranch is a limited partnership with property located in  
20 Mendocino County, California.
- 21 3. Parker Ten Mile Ranch is owned in part by Parker Timber LLC, which manages  
22 timber operations for Parker Ten Mile Ranch.
- 23 4. Parker Ten Mile Ranch has an estimated 2,000 acres in Mendocino County that are  
24 subject to an approved Non-industrial Timber Management Plan (NTMP) from the California  
25 Department of Forestry and Fire Protection.
- 26 5. In 1998, Parker Ten Mile Ranch agreed to voluntarily participate in the Mendocino  
27 County Stream Temperature Monitoring Program through the University of California Office of  
28 Cooperative Extension in Mendocino County, California.

1           6.     In conjunction with the Mendocino County Stream Temperature Monitoring  
2 Program and as part of its ongoing timber management operations, Parker Ten Mile Ranch  
3 collected stream temperature monitoring data from 1999-2005 for three streams: Vallejo Gulch,  
4 Gulch Three, and Hidden Gulch.<sup>1</sup>

5           7.     The stream temperature monitoring data is collected by placing submerged data  
6 loggers into the stream.

7           8.     The data loggers continually recorded temperature data every 30 minutes during  
8 the summer and fall periods.

9           9.     Temperature data is retrieved from the data loggers through an interface with a  
10 computer program that is maintained by the University of California Office of Cooperative  
11 Extension.

12          10.    Once retrieved, all data is downloaded and permanently cataloged by the  
13 University of California Office of Cooperative Extension in Mendocino County, and copies of the  
14 data are provided to the landowners participating in the Mendocino County Stream Temperature  
15 Monitoring Program.

16          11.    Exhibit A attached hereto is a true and correct copy of stream temperature data  
17 collected through data loggers placed on property owned and operated by Parker Ten Mile Ranch,  
18 as downloaded by the University of California Office of Cooperative Extension in Mendocino  
19 County, and as provided to Parker Ten Mile Ranch by the University of California Office of  
20 Cooperative Extension in Mendocino County.

21           I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct.

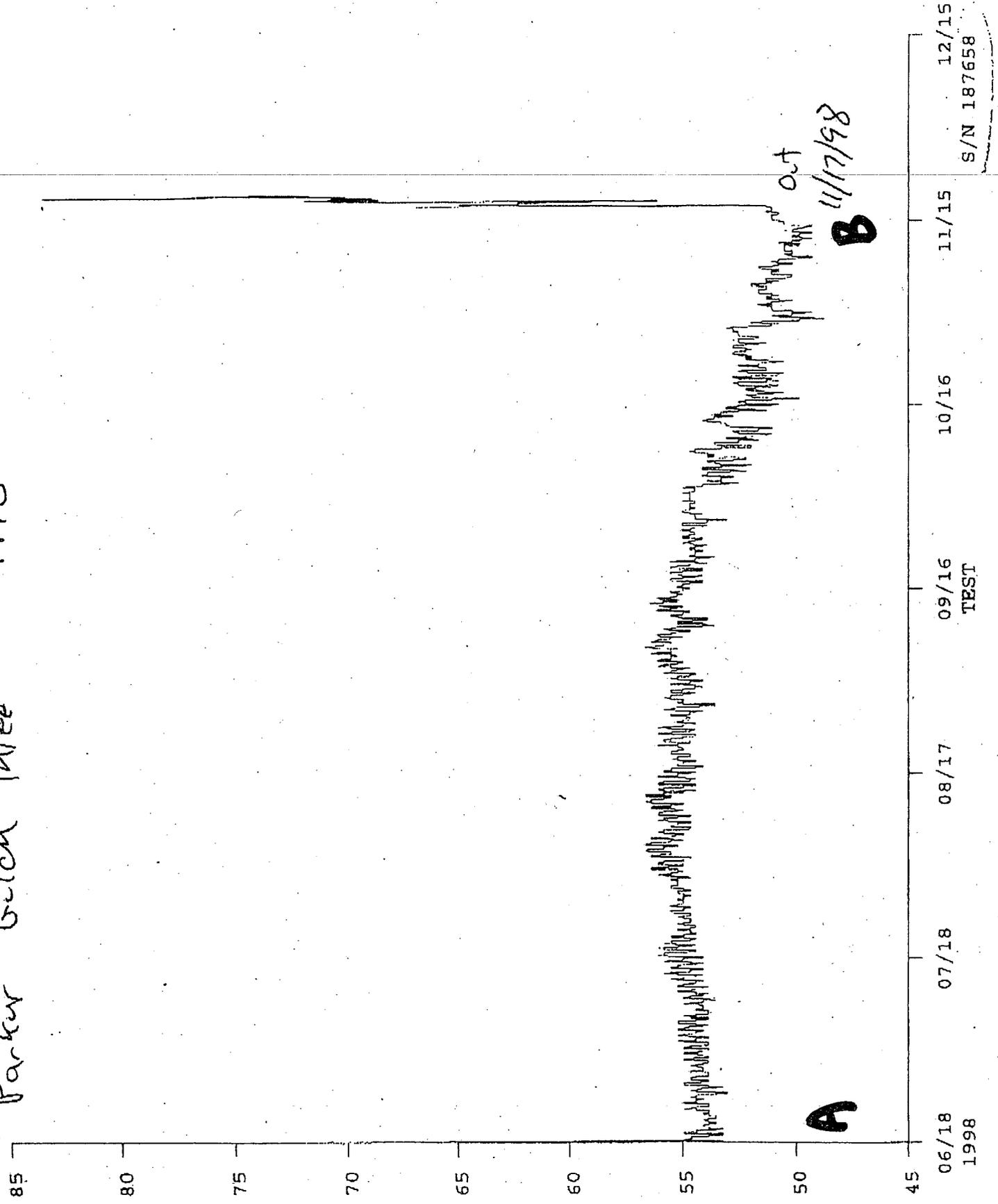
23  
24 DATED: July 1, 2009

  
\_\_\_\_\_  
PETER PARKER

25  
26  
27 \_\_\_\_\_  
28 <sup>1</sup> Please note that data is not available for Vallejo Gulch for 1998, 1999 and 2002, and that no data is available for  
Hidden Gulch for 2002.

Exhibit A

Parker Gulch Three 1998

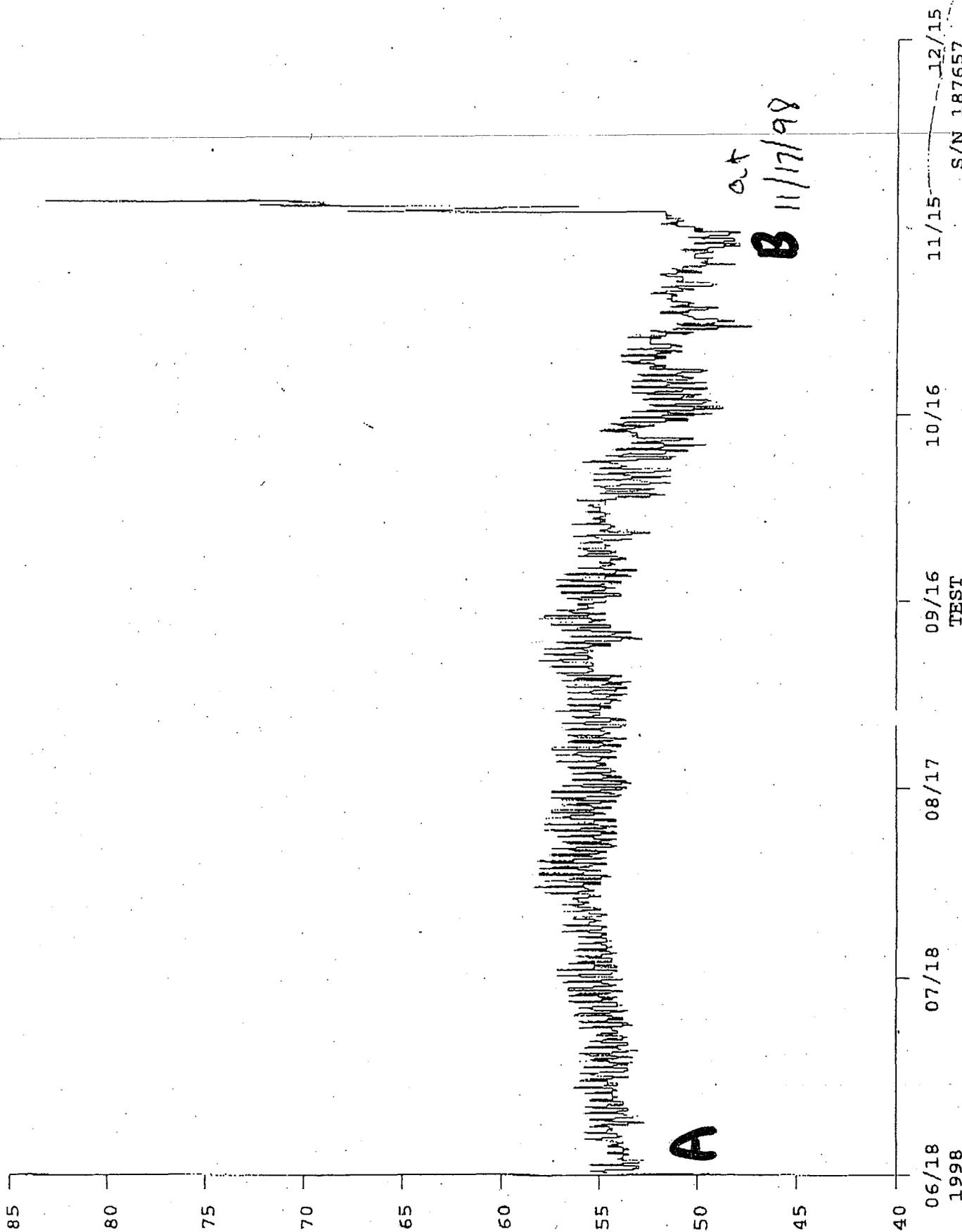


Temperature F

EXHIBIT A

15198

arker Hidden Gulch



Temperature F

06/18 1998

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09/16 TEST

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S/N 187657

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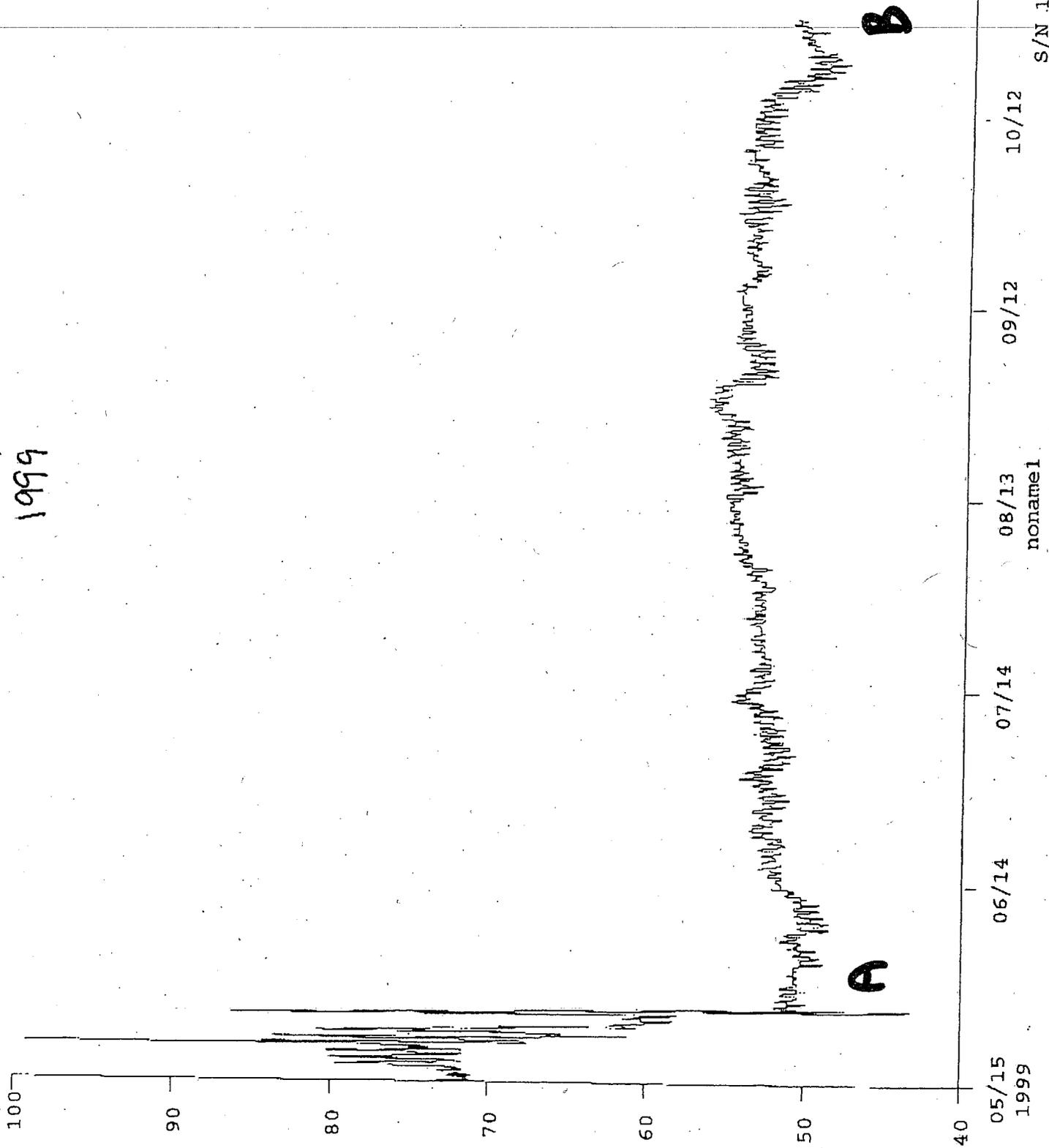
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11/17/98

Parker  
Gulch 3

PARKER  
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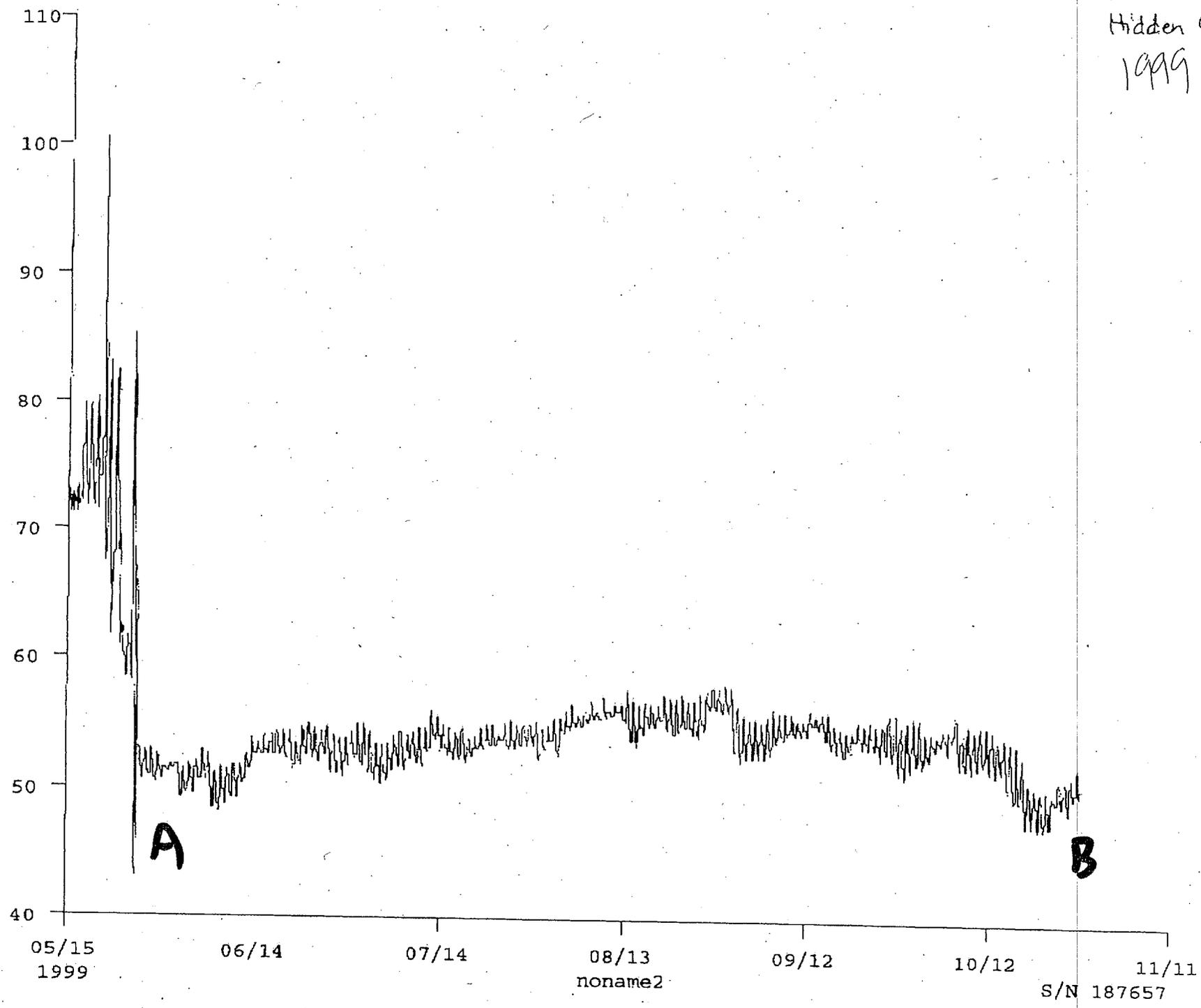
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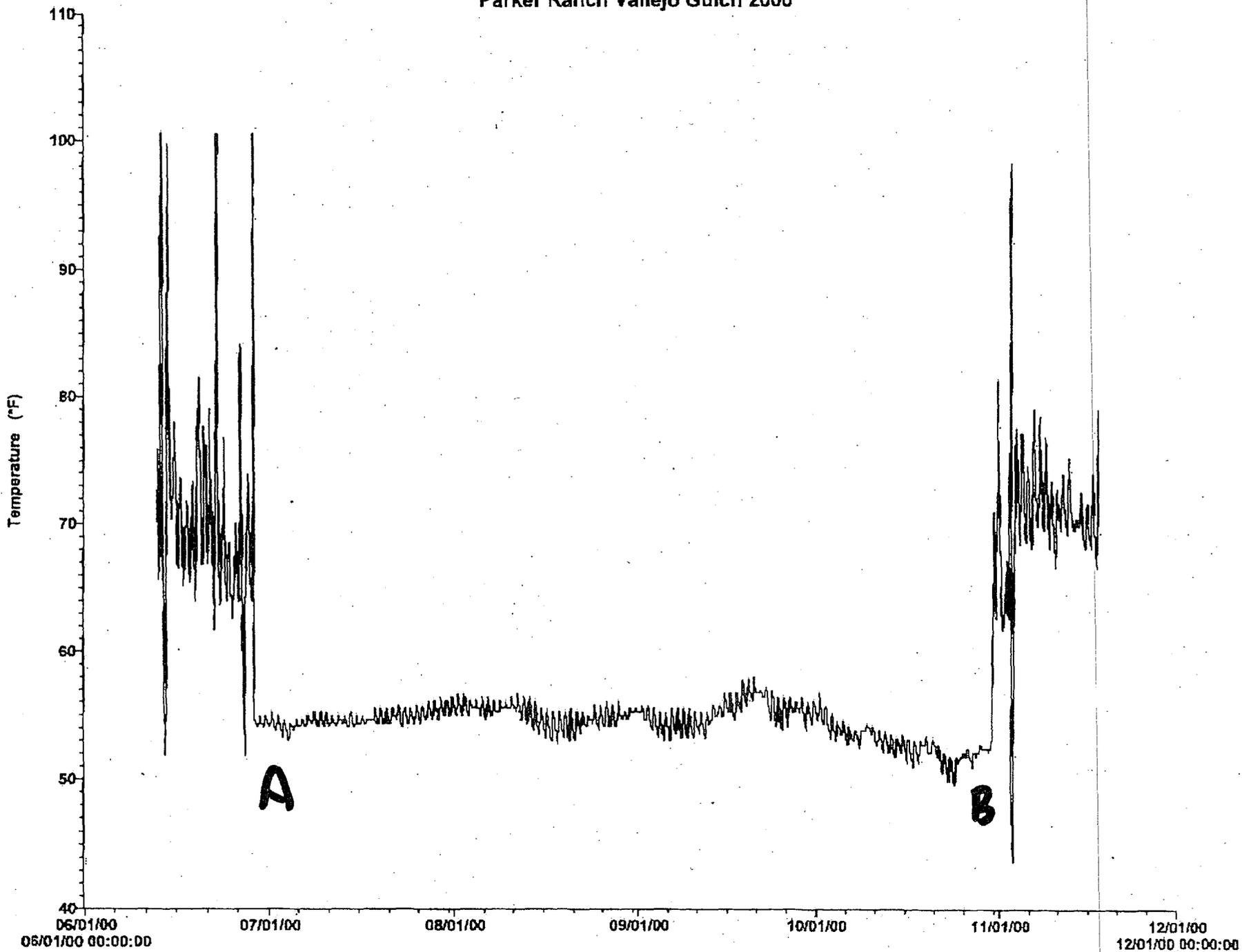
Temperature F

Parker  
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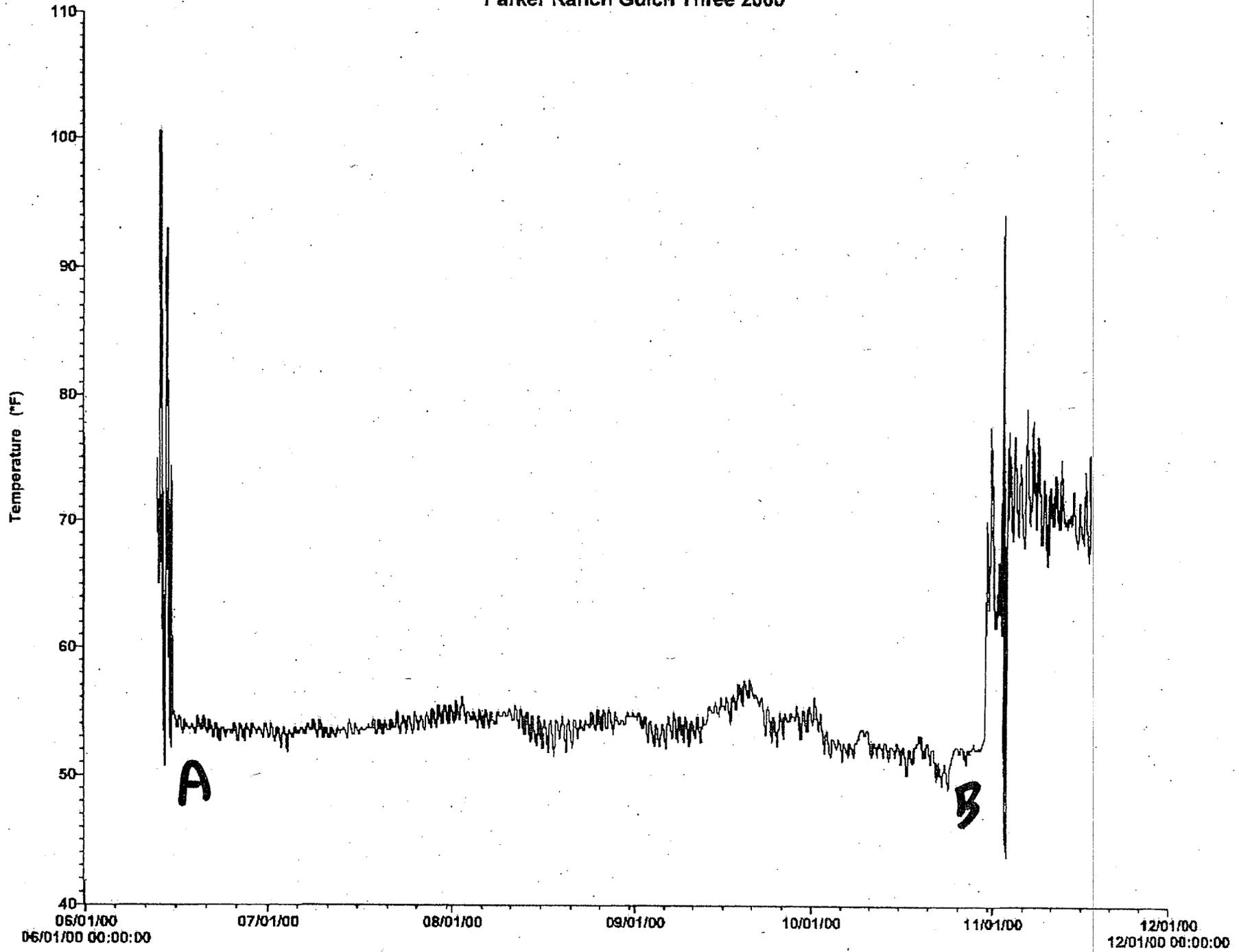
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Parker Ranch Vallejo Gulch 2000

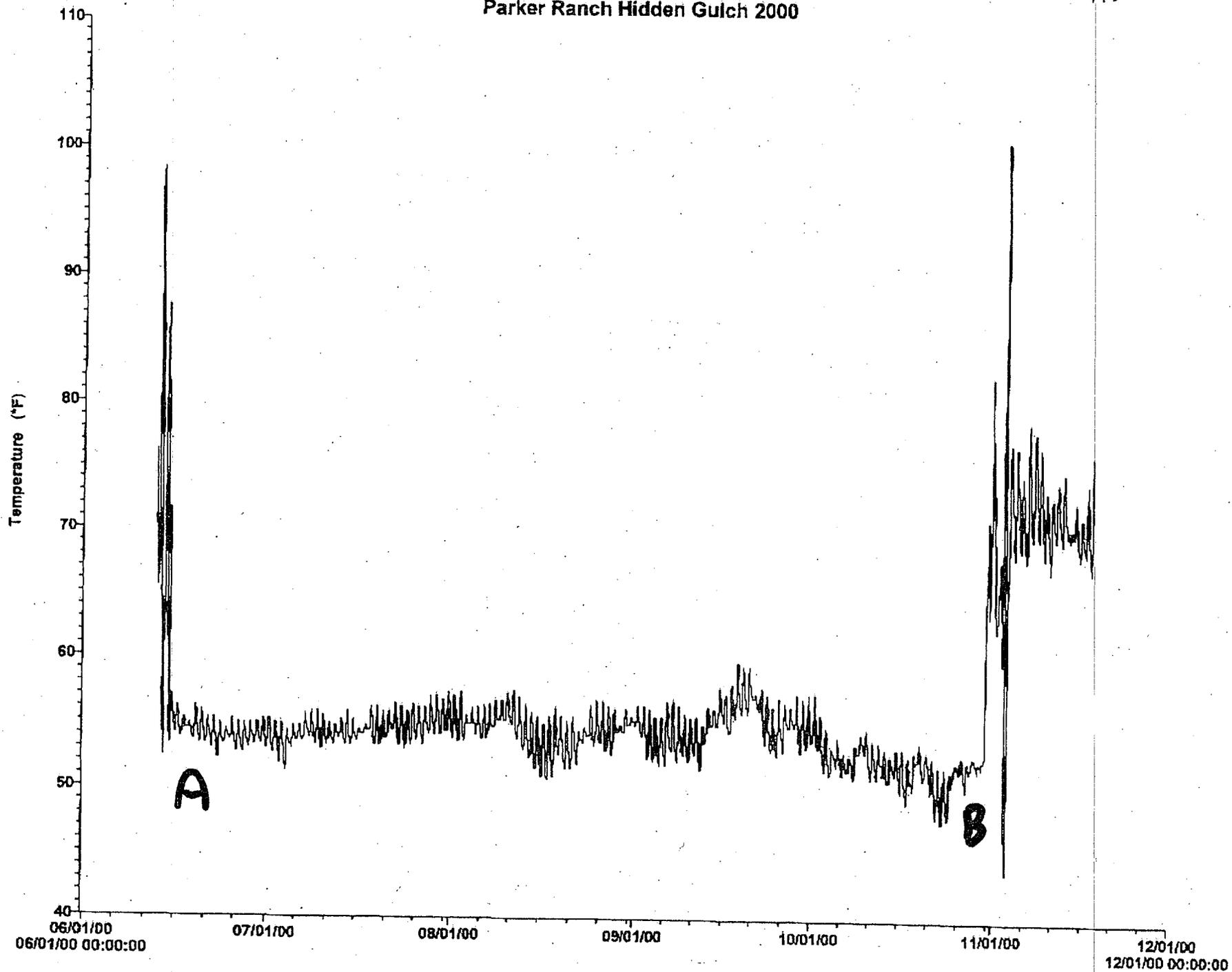


Parker Ranch Gulch Three 2000

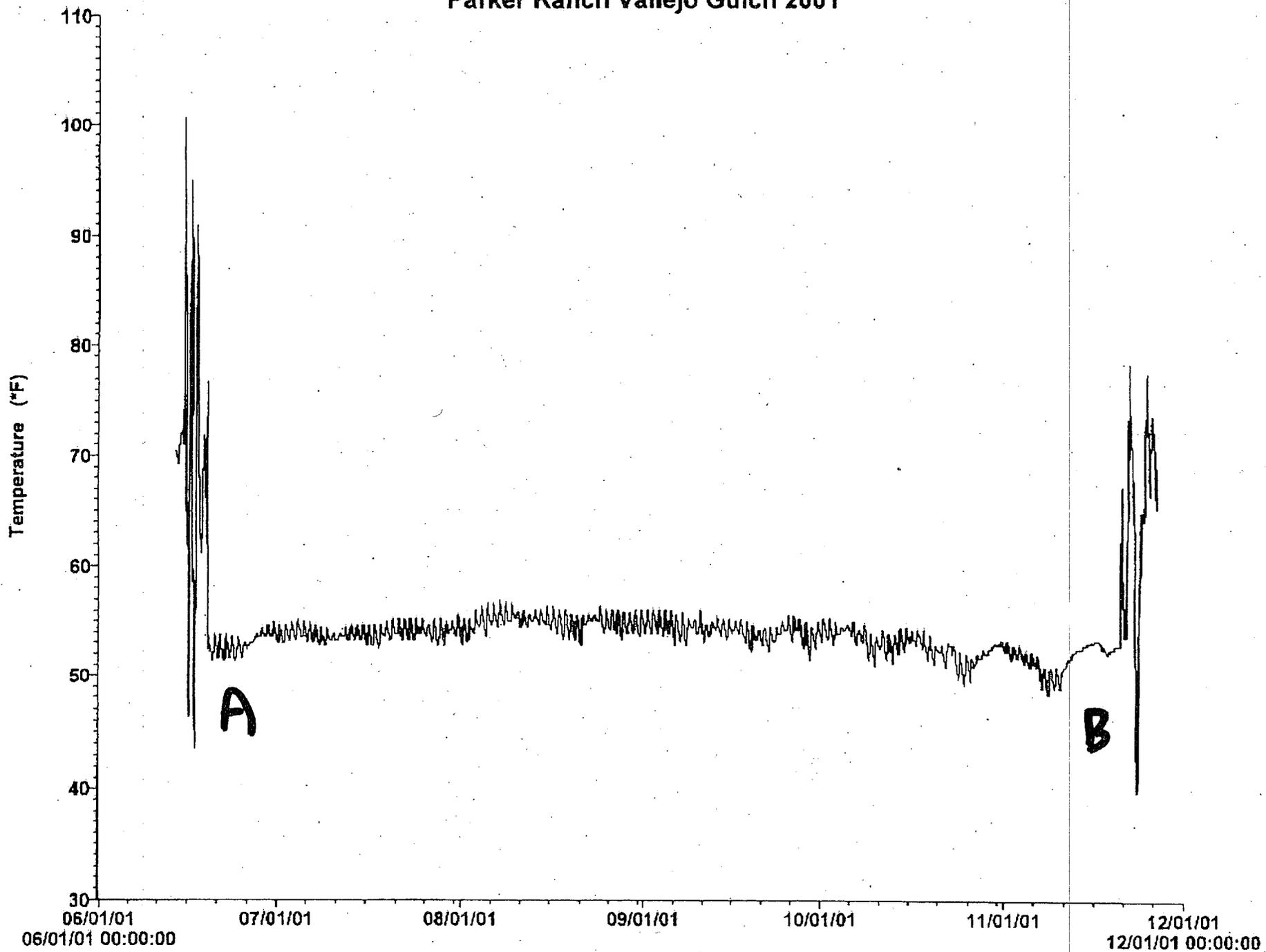


Parker Ranch Hidden Gulch 2000

DARKER



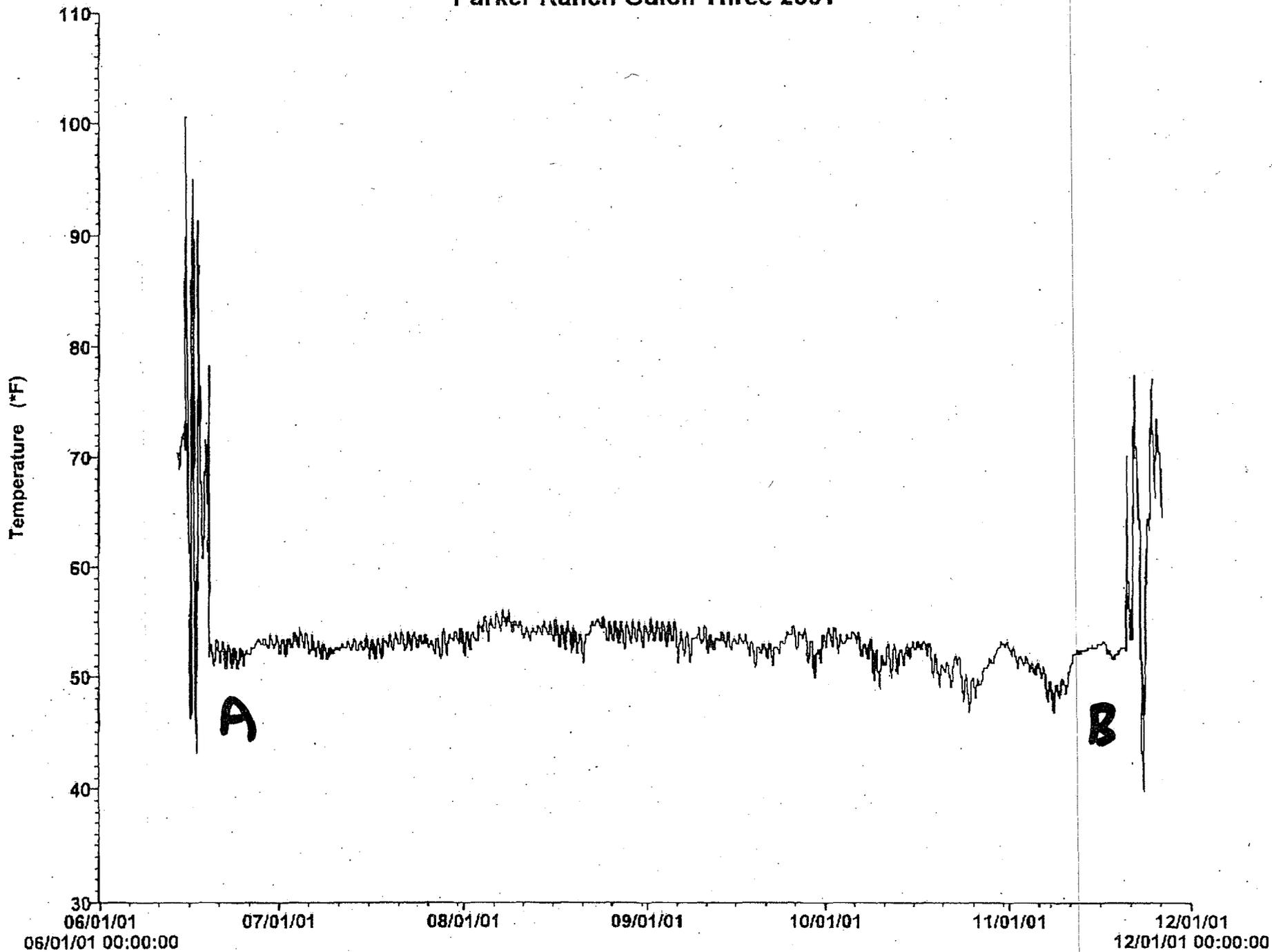
# Parker Ranch Vallejo Gulch 2001



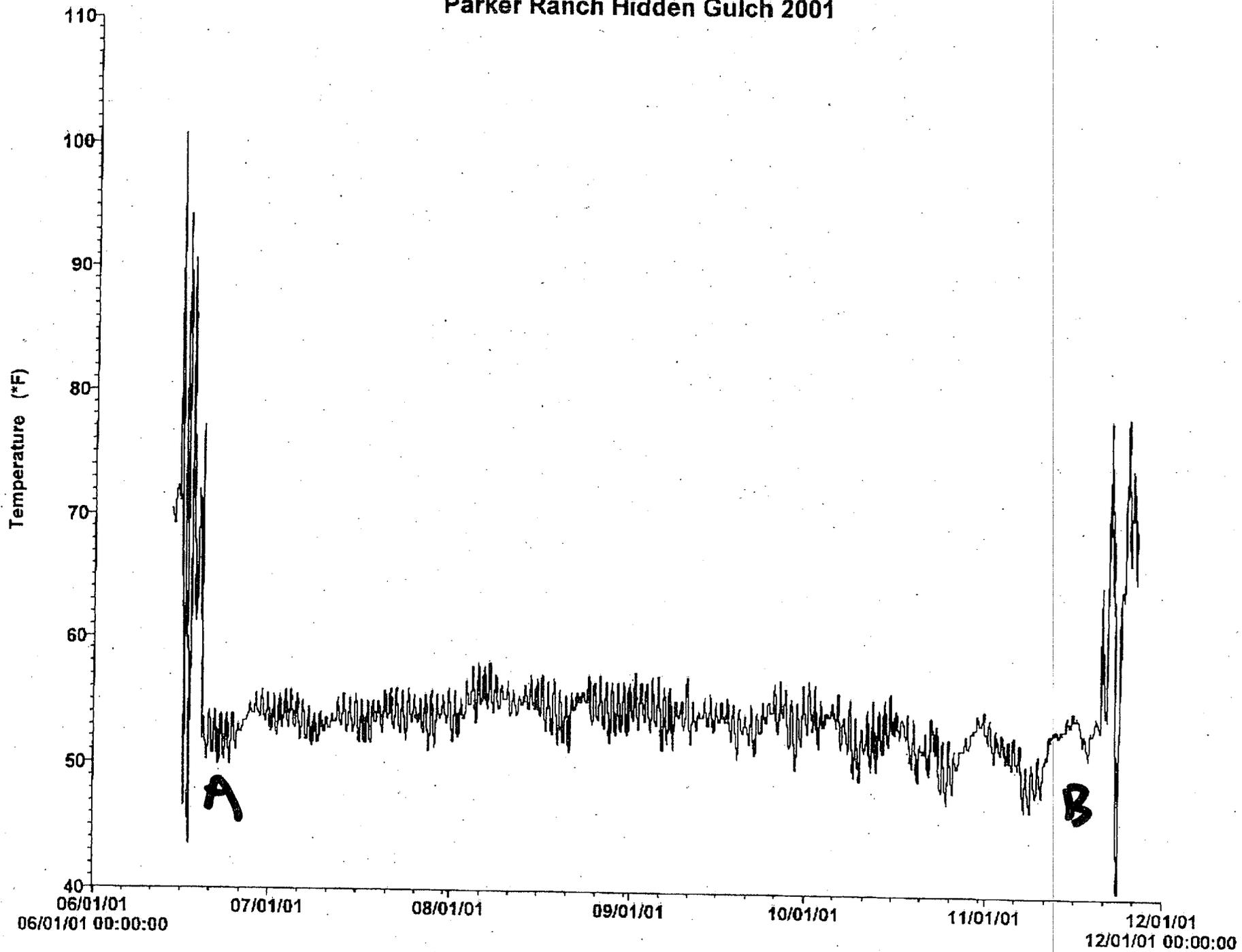
VVJ 60:07 R007/27/00

700 BT

# Parker Ranch Gulch Three 2001



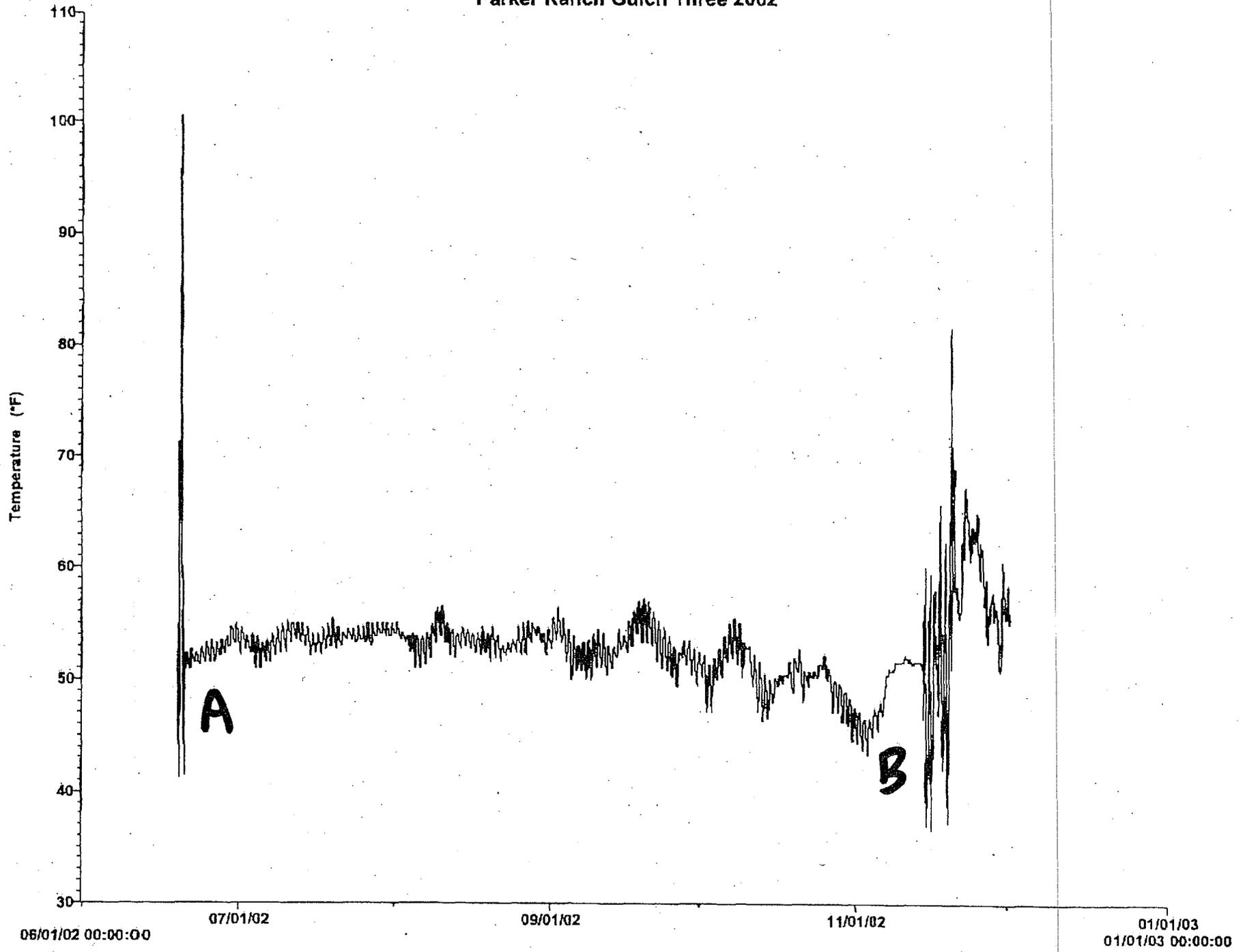
# Parker Ranch Hidden Gulch 2001



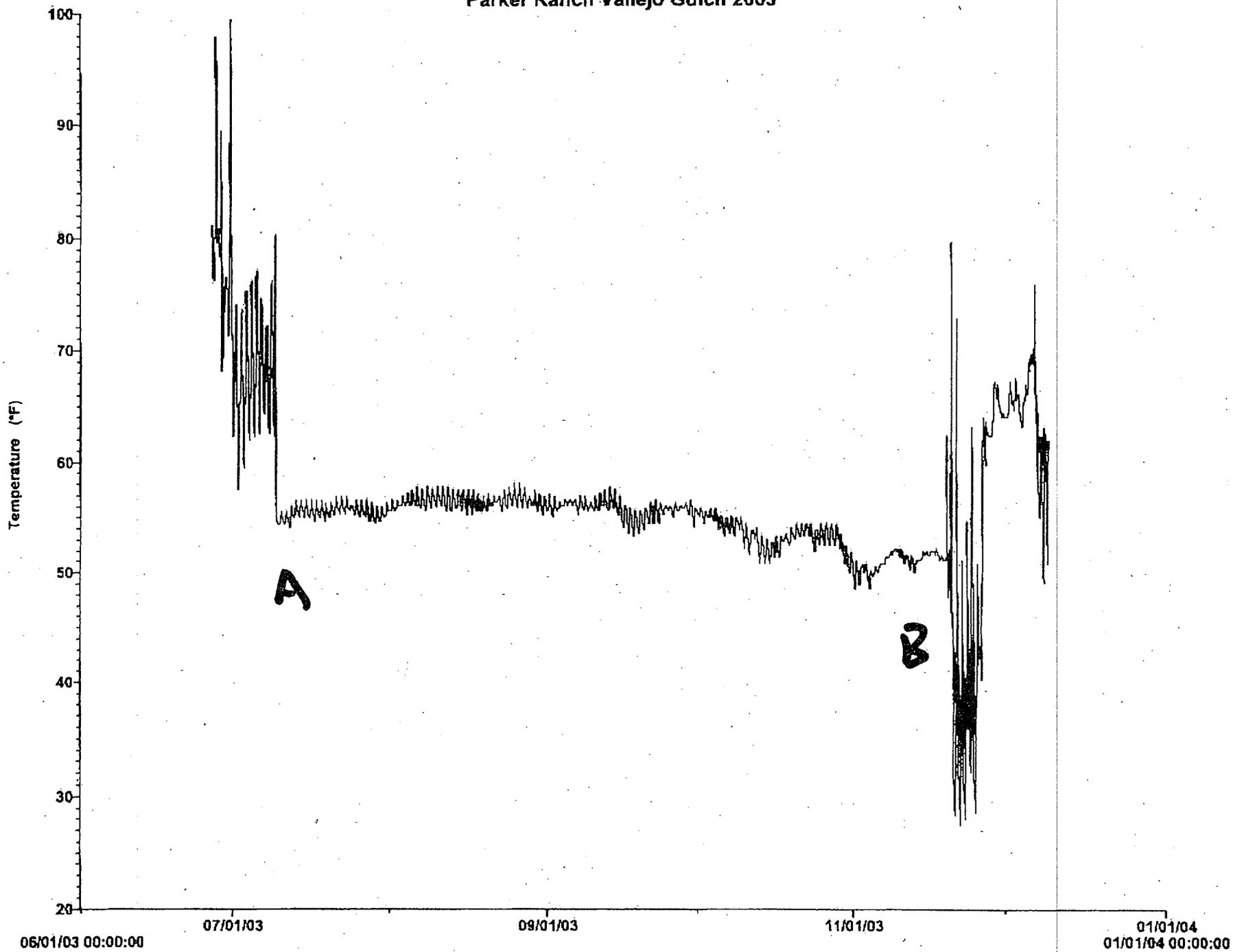
VVJ RC:07 8007/82700

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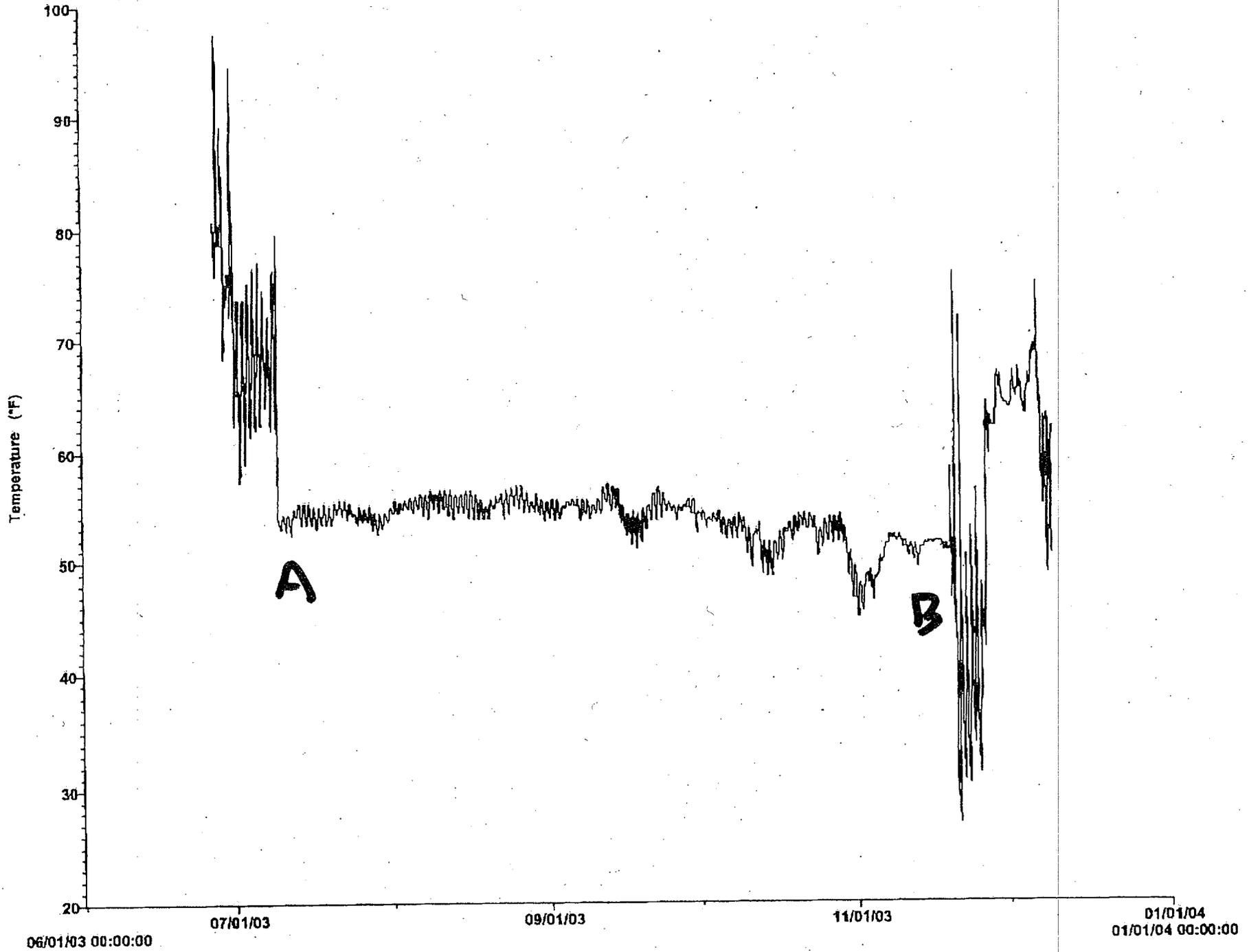
Parker Ranch Gulch Three 2002



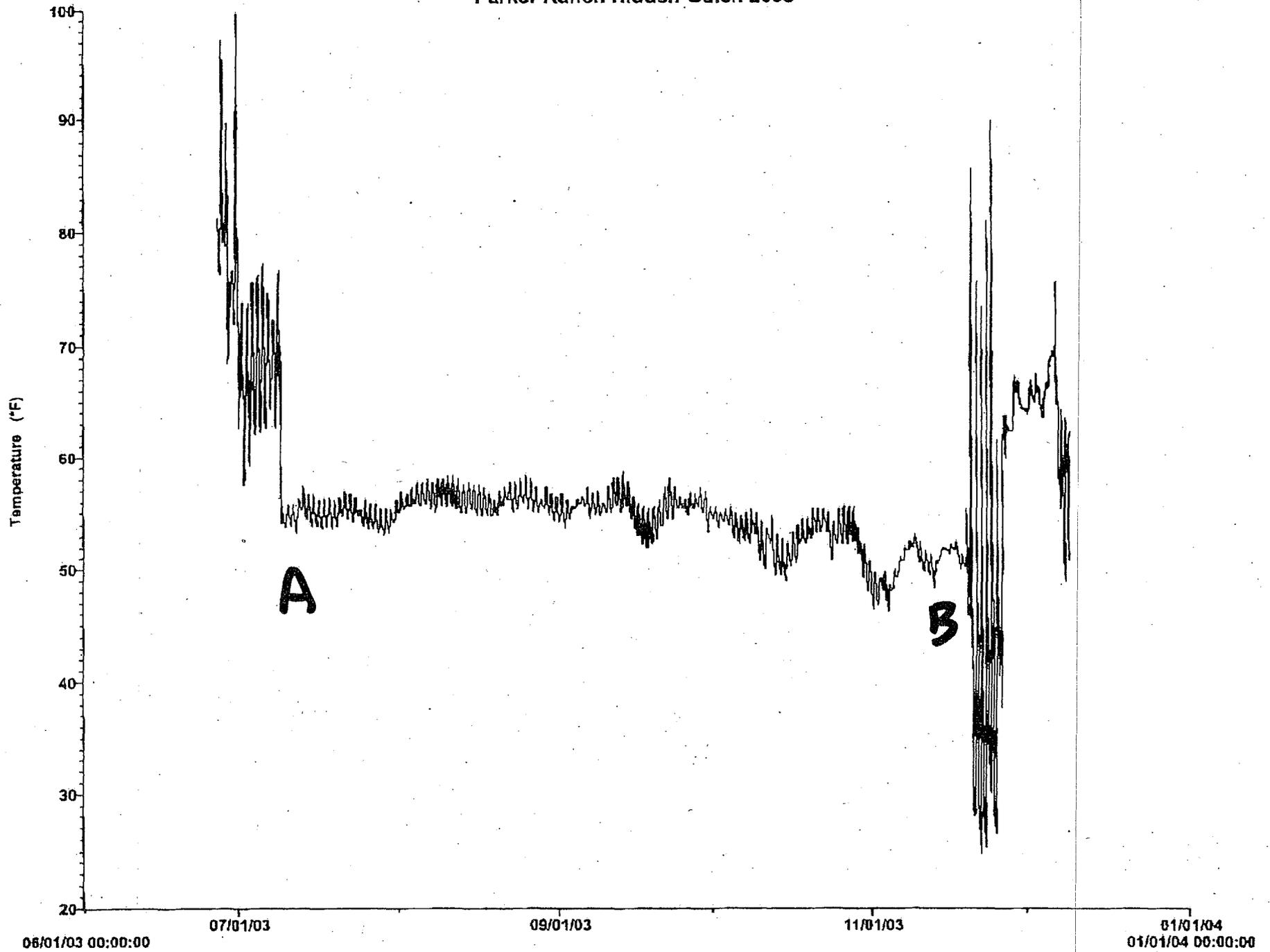
Parker Ranch Vallejo Gulch 2003



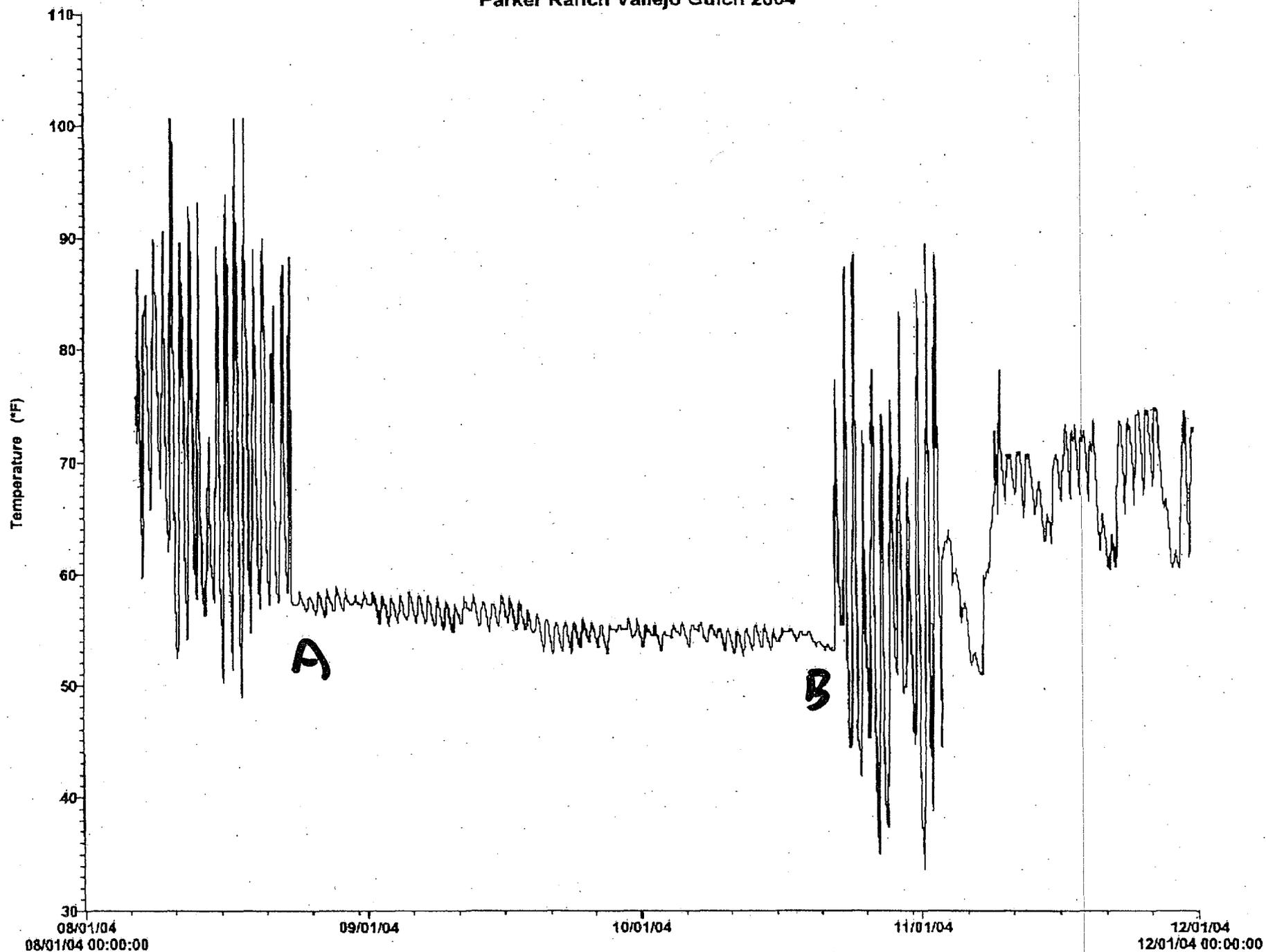
Parker Ranch Gulch Three 2003



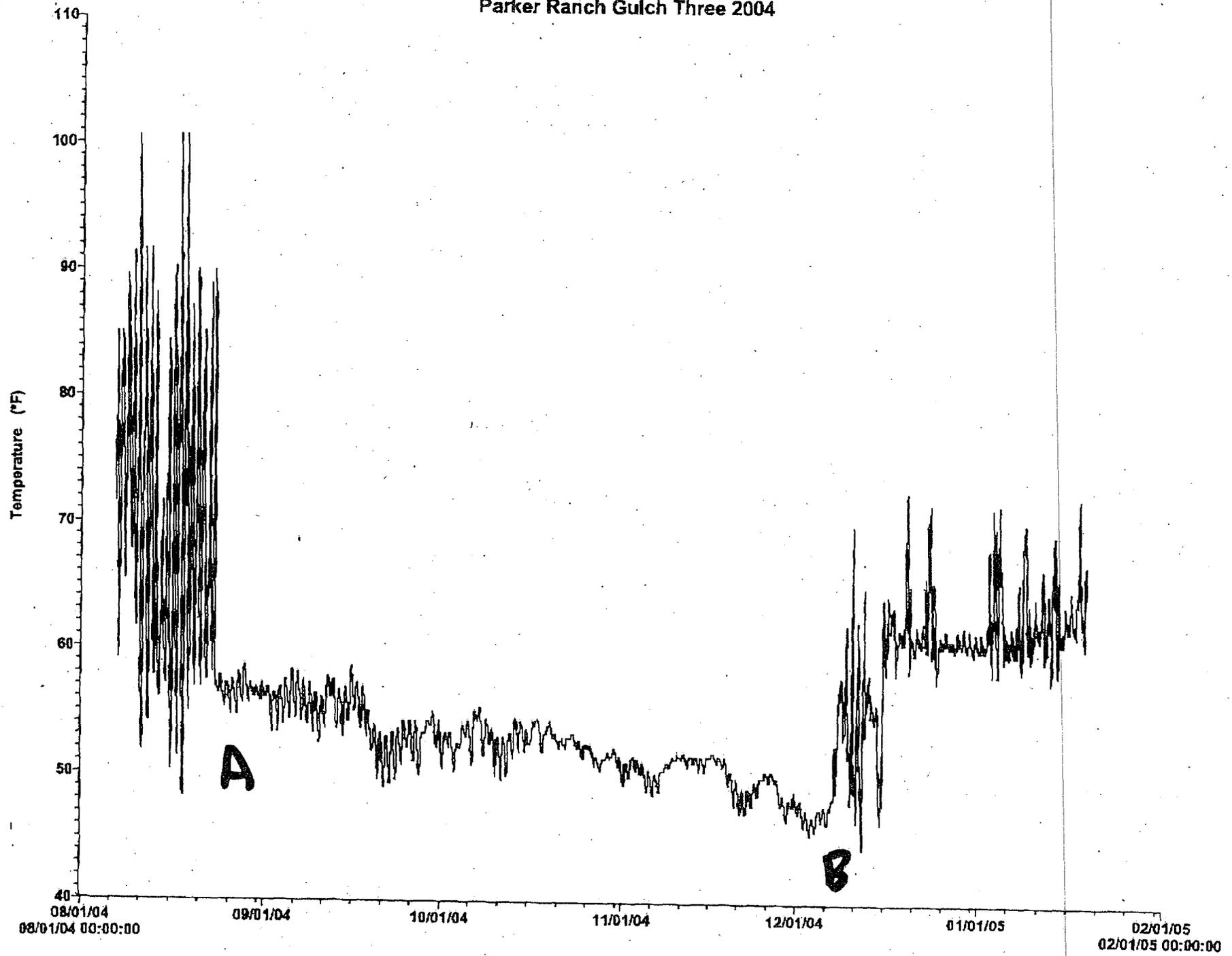
Parker Ranch Hidden Gulch 2003



Parker Ranch Vallejo Gulch 2004



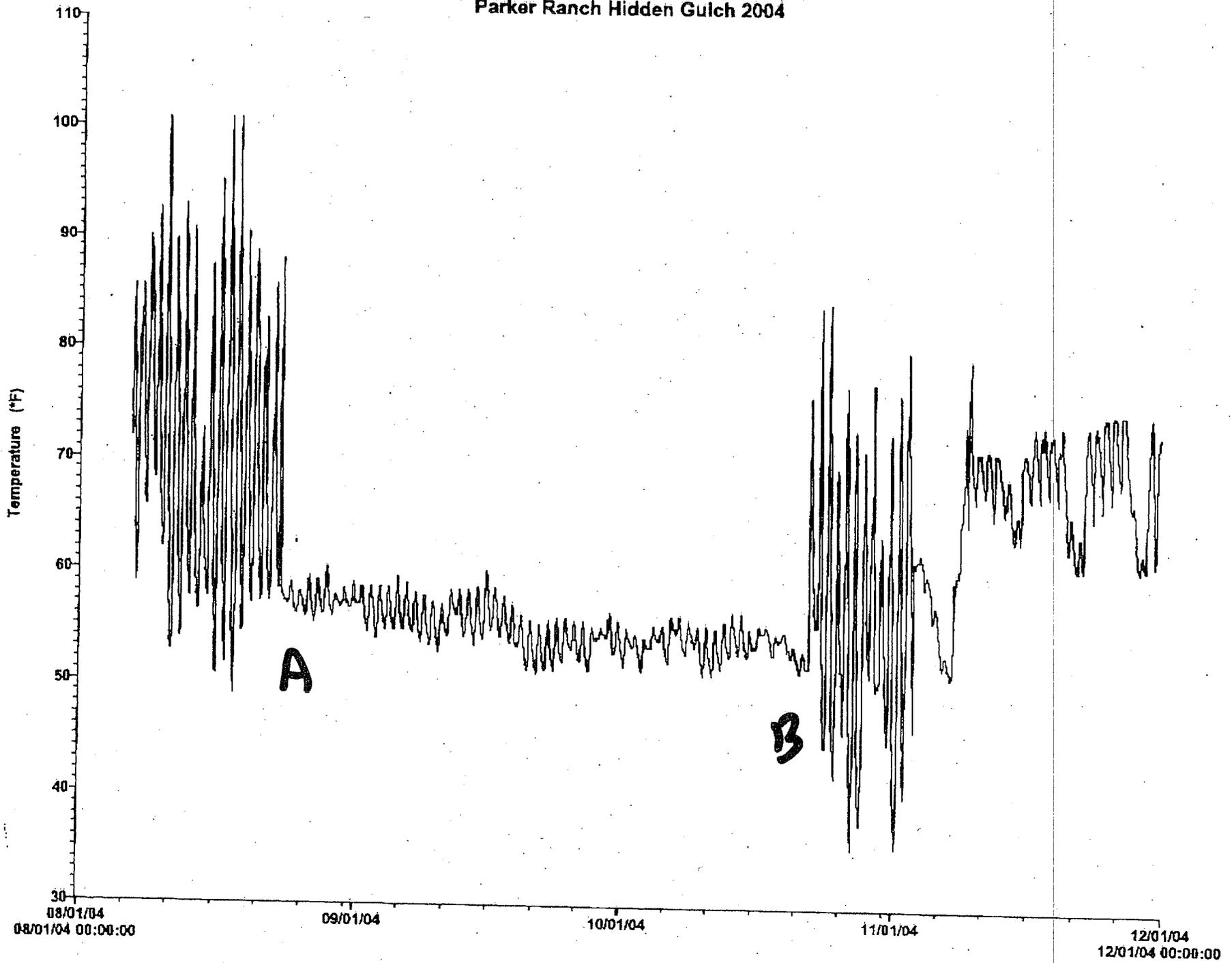
Parker Ranch Gulch Three 2004



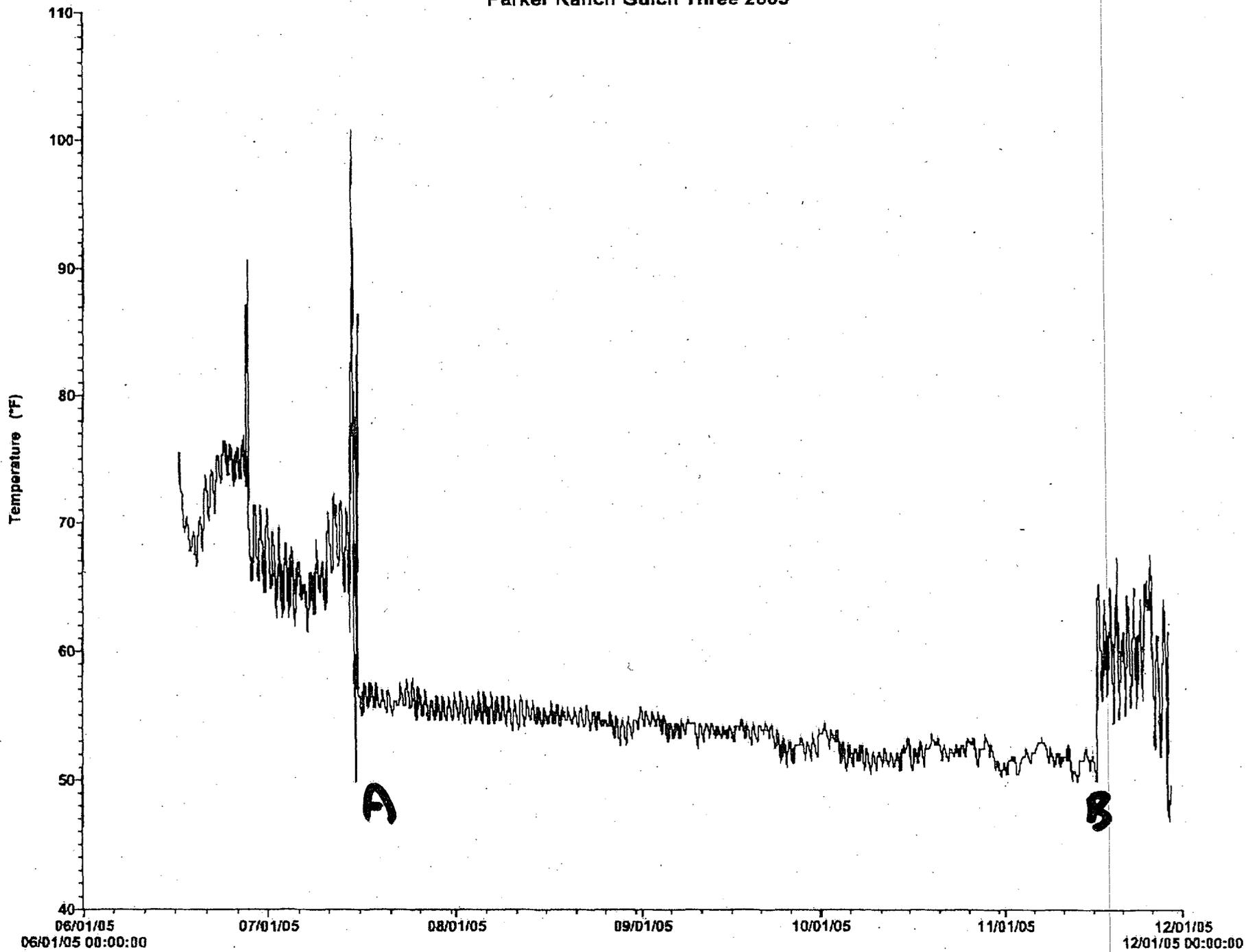
08/28/2004 21:01 FAX

121004

Parker Ranch Hidden Gulch 2004



Parker Ranch Gulch Three 2005



SOMACH SIMMONS & DUNN  
A Professional Corporation

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PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is Hall of Justice Building, 813 Sixth Street, Third Floor, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On July 6, 2009, I served a true and correct copy of:

**DECLARATION OF PETER PARKER IN SUPPORT OF REQUEST FOR CONSIDERATION OF SUPPLEMENTAL EVIDENCE**

X (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Somach Simmons & Dunn, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Sacramento, California.

Catherine Kuhlman, Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403-1072  
Phone: (707) 576-2225 (direct)  
(707) 576-2220 (main)

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on July 6, 2009, at Sacramento, California.

  
\_\_\_\_\_  
Crystal Rivera