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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

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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

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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,

A handwritten signature in black ink, appearing to read "David Van Lennep". The signature is fluid and cursive, with a large, stylized initial "D" and a long, sweeping tail that loops back under the name.

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>			

Name:	M.Duffy	Email:	mjduffy@ebold.com	Date:	18-May-12	Category:	EC
Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute			
1	Soil Disturbance Factor: Basing the factor on percentages of the project within a watercourse buffer will result in reduced tierings for larger projects, compared to a smaller project with the same amount of WLPZ/ELZ acreage.	Apply the factor directly to WLPZ/ELZ activities. This will assess the impacts to watershed resources more accurately.					
2	Soil Disturbance Factor: Question #2 appears to apply to all levels of road grading, including the installation of waterbreaks as required for every timber harvest project.	Clarify the language to better suit the issue of concern: "Will the road prism or subgrade be significantly altered before, during, or after the proposed harvest?"					
3	Soil Disturbance Factor: Questions #3 and #4 have potential to significantly impact the Index (10% each). A binary Y or N may not sufficiently assess impacts.	Revise the questions to ask for the number of, or length of, connected ditches or fill failures associated with the road. 1=2.5%, 2=5%, 3=7.5%, and 4 or more =10%. This will better account for the variation of impacts across a project.					
4	Soil Disturbance Factor: Question #4 does not allow for fixing, or disconnecting, the problem during operations. If the Timber Harvest Document addresses the concern during the harvest, does this count as a Y or a N?	Clarification					
5	Cumulative Effects Ratio: The impacts to a watershed from selective harvesting are minimal to non-existent over ten years for the operation. Including 15 years of harvesting results in the double counting of some harvest areas. Even when averaged with the five year rate, some projects will end up being counted 1.5 times (average of 2 harvest in 15 years and 1 harvest in 5 years). This results in an inflated effects ratio.	An appropriate method of calculating recovery would be to count the most recent five years, including proposed projects, at 100% of their harvest acreage. Plans harvested between six to ten years prior to the proposed project would be counted at 50% of their acreage. Selection harvest activities that occurred over ten years ago should no longer be considered to be impacting the watershed.		Studies from Caspar Creek concluded that the sediment effects following timber harvesting (Pre-Forest Practice Rules selection silviculture) reached background levels within eight years.			
Name:	M. Duffy	Email:	mjduffy@ebold.com	Date:	18-May-12	Category:	MRP
Statement of Issue or Concern		Proposed Resolution		Supporting Evidence: Data, Research Findings, or Statute			
6	Monitoring and Reporting A. 2: Requires photomonitoring.	Any findings of management failures or erosion problems are required to be reported on with the Forensic Monitoring process. All other findings from the effectiveness monitoring should be addressed in the November annual report. This would allow the Board staff to be notified of any potential concerns on the landscape without inundating them with paperwork.		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."			
7	Storm Based Monitoring: Providing a report for Storm Based Monitoring events will only provide useful information to Staff under the Forensic Monitoring Report (assuming there are erosion or sediment concerns). Otherwise the additional report will be notifying the Staff that there were no problems. This additional report will result in more office time for RPFs, landowners, and Water Quality Staff.	Forensic Reports shall be required when erosion or sedimentation problems are identified during Storm Based Monitoring. Otherwise the monitoring event shall be reported along with the May 15th annual report. This will limit the amount of paperwork, and allow Staff to focus on observed problem areas.					
8	Monitoring and Reporting A. 2: Requires photomonitoring.	Any findings of management failures or erosion problems are required to be reported on with the Forensic Monitoring process. All other findings from the effectiveness monitoring should be addressed in the November annual report. This would allow the Board staff to be notified of any potential concerns on the landscape without inundating them with paperwork.					
9	Monitoring and Reporting A. 2: Requires photomonitoring. There is no set parameters on what would best constitute a photopoint. There may be projects that do not have good locations for relevant photo points.	Water Quality Staff should list by priority, what locations would best fit their idea of a photopoint, i.e. crossings, WLPZ roads or trails. Additionally, Staff should allow for an exception where no relevant photo point is identified.					