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Mr. Nick Martarano, Chief  
Water Quality Assessment Unit  
State Water Board

And

Ms. Stacy Gillespie, Senior Staff Counsel  
State Water Board

Dear Mr. Martarano and Ms. Gillespie,

I write to comment on the proposed amendment to the Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List.

As a non-industrial forest landowner, my costs of meeting the plethora of State regulations associated with maintaining our Non-Industrial Timber Management Plan, and of obtaining permissions to harvest timber within that NTMP, are high. As you know, timber harvesting in California can only occur under the direction of a registered professional forester ("RPF")- a professional whose billable hours to meet State obligations are an additional cost to family forest landowners, above and beyond charges by the State. Costs to measure and monitor over time are proportionately much higher for non-industrial forest landowners than they are for industrial timber firms. Non-industrial ("family") forest landowners own around half of all private forest acres in California. But many of them cannot afford the costs I note above, in order to be active stewards of their forest lands (see UCCE study by Stewart et al, 2011 and later versions). This poses a risk to the State of fragmentation of timber lands and fewer actively managed timberlands, raising wildfire risks across the state. The past recession (from which the timber industry has not fully emerged); and the ongoing loss of mill infrastructure and continuing contraction of the timber labor force, together raise the risk of timberland fragmentation, worsen this ongoing trend. In short, this is a critical time: any savings of costs for non-industrial landowners are needed.

The more expensive that compliance with CWA Section 303(d) becomes, the less stewardship of California forests' can be accomplished by their private owners- especially the non-industrial ones.

I would suggest that some of the proposed "significant process changes" will do the opposite: weaken non-industrial forest landowners' ability to continue to manage their lands, by raising costs. Other proposals will lower stakeholders' ability to have input into regulatory design. In particular,

1) Modifying the definition for "readily available information" to mean ALL information submitted to CEDEN, [whether or the data subset can] be submitted through CEDEN" would raise costs to landowners, as RPFs repackage existing data for CEDEN format, and meet submittal requirements for data subsets not submittable through CEDEN. State agencies already require duplicative efforts to meet

each agency's submittal requirements; landowners need inter-agency coordination of submittal requirements, not yet another unique set of submittal requirements.

At the very least, your agency might use the submittal requirements of Calfire, the lead agency under the Forest Practice Act rules. If all agencies agreed upon a uniform submittal format, it would help small forest landowners survive.

2) The amendment that would add State Water Board discretion to administer a Regional Water Board's assessment, evaluation, and listing recommendation process and approval on behalf of a region, is harmful in a different way. Your own notice text says it best: "it is the regional staff [who has] knowledge of local waterbodies and Basin Plan objectives" (Notice, page 2). State Board discretion to administer, would lessen the chances that the staff specialists. Staff within regional offices have the most familiarity with a given situation ( and hopefully have received local input from 'knowledgeable persons' who have 'ground-truthing' and/or specific scientific/factual information to offer in solving issues): they can add to the nuanced quality of a given decision.

3) I would caution that the amendment's focus on promoting efficiencies in solicitation, assessment, and compilation of data may compromise or weaken forest landowners' privacy and open them to unauthorized users such as marijuana growers who would and do use publicly available data to locate recently harvested lands upon which they then place stealth gardens. This is already happening.

4) The focus on "streamlining the public participation and review process" would be detrimental to the regulated public, as well as to the government's ability to hear and value what stakeholders need to have understood about proposed actions.

Modern public hearings now typically use "facilitated discussion" by which verbal comments of individuals are aggregated and then distilled into a few key points. This strongly dilutes "ground-truthed" information, life-experience-based knowledge, and even scientific alternate viewpoints which individuals at public hearings present. Public hearings also typically limit speaking time of attendees. As the Notice states, "oral presentations may be time-limited" (page 3). Further streamlining public participation would make the compression of the publics' voices worse than it now is. Ideally, efficiency needs and democratic participatory needs can be balanced; both are important.

I appreciate your efforts, and this chance to be heard.

Respectfully,

Claire McAdams, PhD.

Cc: Forest Landowners of California, Larry Camp, President;  
The Buckeye, Johanna Rodoni, ED