

# State Water Resources Control Board

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## THIRD MAJOR LEGAL WIN FOR WATER QUALITY *California Supreme Court Upholds Water Board Efforts to Prevent Degradation of Water Quality by Logging*

**SACRAMENTO** - The California Supreme Court today upheld the authority of the State Water Board and Regional Water Quality Control Boards to require timber companies to monitor water quality in streams or rivers that could be adversely affected by logging. The California Supreme Court's decision follows two appeals court decisions last week in San Diego and Riverside, recognizing and upholding the important role of the State and Regional Water Boards in protecting California's water quality.

The Supreme Court Case, *Pacific Lumber v. California State Water Resources Control Board* arose out of a challenge by Pacific Lumber Company to a State Water Board order that required monitoring of the effects of logging on water quality in the South Fork Elk River in Humboldt County. Pacific Lumber's past logging practices and associated road construction have involved logging large portions of a watershed within a few years resulting in increased erosion, landslides, and increased sediment in streams. Excess sediment can fill in streams, cause flooding and increase water temperature leading to a loss of salmon and their habitat. The North Coast Water Board ordered Pacific Lumber Company to conduct detailed monitoring of water quality in the Headwaters Forest Preserve area. Pacific Lumber appealed that order to the State Water Board contending that the California Department of Forestry had exclusive authority to regulate timber harvesting.

The State Water Board issued an order in 2001 that upheld the Regional Board's authority to require water quality monitoring, but simplified the requirements of the Regional Board order. The State Water Board's order was directed at detecting any increases in pollutants due to logging and promoting rapid remedial action if problems were detected. Pacific Lumber filed suit challenging the revised order. The Humboldt County Superior Court held that the State Water Board lacked authority to require monitoring. In March 2004, the First District Court of Appeal issued a detailed decision reversing the trial court and upholding the State Water Board order.

The California Supreme Court decision upholds the Court of Appeal decision in all respects and reaffirms the State and Regional Boards' statutory authority to require monitoring of pollutants entering California's rivers and streams. Monitoring is an essential element of protecting water quality and all beneficial uses of water in our state.

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