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

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BEFORE THE  
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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

SWRCB/OCC Files A-2029, A-2029(a)  
and A-2029(b)  
RESPONSE TO REQUEST FOR  
SUPPLEMENTAL EVIDENCE

On December 14, 2010, the State Water Resources Control Board (State Water Board) issued a Request for Supplemental Evidence with respect to Petitions of California Department of Forestry and Fire Protection; California Farm Bureau Federation, Landowners of California, The Buckeye Conservancy, California Licensed Foresters Association, Association of Consulting Foresters of America, California Chapter; and, Weger Interests, Ltd., Parker Ten Mile Ranch, Bradford Ranch, Miller Tree Farm, and RPH Comptche Properties. The State Water Board anticipates considering the consolidated matters under its Own Motion Review authority pursuant to title 23 of the California Code of Regulations, section 2050.5(c). At issue is the North Coast Regional Water Quality Control Board's (Regional Water Board) adoption of a Categorical Waiver of Waste Discharge Requirements for Timber Harvesting Activities on Non-Federal Lands in the North Coast Region (Categorical Waiver) through Order No. R1-2009-0038. In response to the State Water Board's Request for Supplement Evidence, Petitioners Weger

1 Interests, Ltd., Parker Ten Mile Ranch, Bradford Ranch, Miller Tree Farm, and RPH Comptche  
2 Properties (Petitioners), hereby submit the following supplemental evidence.

3 As a preliminary matter, the Petitioners are landowners and/or private timberland  
4 operators who own and/or operate non-industrial timber harvesting operations within the North  
5 Coast Region of the Regional Water Quality Control Board. The Petitioners' timber harvesting  
6 operations are subject to Non-industrial Timber Management Plans (NTMPs), issued and  
7 approved by the California Department of Forestry and Fire Protection (CalFIRE) pursuant to the  
8 Forest Practice Rules. The Regional Water Board has a role in the development of NTMPs as a  
9 responsible agency under the California Environmental Quality Act. In this capacity, the  
10 Regional Water Board reviews NTMPs to ensure that activities covered by the NTMP comply  
11 with applicable water quality standards and provisions contained in the Water Quality Control  
12 Plant for the North Coast Region (Basin Plan). The Regional Water Board is fully aware of the  
13 longevity and requirements associated with each approved NTMP. The Petitioners' NTMPs are  
14 subject to terms and conditions contained in the Categorical Waiver. In general, NTMPs are  
15 allowed for small, private landowners that agree to harvest timber in a sustainable and  
16 environmental protective manner. (See Pub. Resources Code, § 4593.3.) In allowing for  
17 NTMPs, the Legislature declared as follows:

18 (a) The Legislature finds and declares that a substantial acreage of timberlands of  
19 the state are held by private nonindustrial owners and that it is the policy of the  
20 state to increase the productivity of these timberlands under prudent management  
plans to serve the public's need for timber and other forest products.

21 (b) The Legislature further finds and declares that minimal environmental harm is  
22 caused by prudent management of nonindustrial timberlands because low volume  
production and dispersion around the state of these small tracts reduces damage to  
aesthetics, air quality, watersheds, and wildlife.

23 (c) The Legislature further finds and declares that it is the policy of the state to  
24 encourage prudent and responsible forest resource management of nonindustrial  
25 timberlands by approving nonindustrial timber management plans in advance and  
26 withdrawing governmental discretion to disapprove nonindustrial timber harvest  
notices submitted pursuant to the approved nonindustrial timber management  
plans. (Pub. Resources Code, § 4593(a)-(c).)

27 Accordingly, the Petitioners manage their timberlands in an environmentally and sustainable  
28 manner that is protective of the environment.

1 Contrary to the intent and purpose of NTMPs, the Regional Water Board's Categorical  
2 Waiver includes new general and specific conditions that are not supported by evidence in the  
3 record. Further, substantial evidence exists to show that the conditions and requirements imposed  
4 by the Categorical Waiver on NTMP operations are not necessary to protect water quality, and  
5 that the costs associated with the new conditions and requirements are unreasonable.

6 In response to the State Water Board's Request for Supplemental Evidence, the Petitioners  
7 submit monitoring data of stream temperature conditions for three of the Petitioners' timber  
8 harvest operations, and cost information with respect to the new requirements being imposed  
9 through the Categorical Waiver.

10 **I. Stream Temperature Monitoring Data Provides Evidence That Timber Operations**  
11 **Managed Pursuant to NTMPs Are Protective of Stream Temperature for Salmonids**

12 According to one well-respected fisheries biologist, optimal summer and fall stream  
13 temperatures for the juvenile rearing period (July-September) for Coho salmon and steelhead are  
14 54-57 degrees Fahrenheit (F) and 59-64 degrees F, respectively. (See P.B. Moyle, *Inland Fishes*  
15 of California (2002), University of California Press, Berkeley, California.)<sup>1</sup> To ensure that  
16 NTMP forest operations and others maintain water temperatures within this acceptable range, a  
17 volunteer stream temperature monitoring program (Mendocino County Stream Temperature  
18 Monitoring Program) was established by the University of California Cooperative Extension  
19 (University Extension) in 1998. As part of this Program, in-stream temperatures are recorded by  
20 submerged data loggers, which continually record stream temperatures every 30 minutes during  
21 the summer and fall period. The temperature data is retrieved when the data loggers are removed  
22 and interfaced with the University Extension's computer program. All data is downloaded and  
23 permanently cataloged at the University's Extension office in Ukiah, California. Participants are  
24 then provided a copy of the output information. Three of the Petitioners have actively  
25 participated in the Mendocino County Stream Temperature Monitoring Program. (See

26  
27 <sup>1</sup> Pursuant to title 23 of the California Code of Regulations, section 648.2, Petitioners request the State Water Board  
28 take official notice of the appropriate stream temperature ranges for Coho salmon and steelhead as a scientific matter  
within the State Water Board's associated field of expertise.

1 Declaration of Lisa Weger in Response to Request for Supplemental Information (Weger Decl);  
2 see also Declaration of Peter Parker in Response to Request for Supplemental Evidence (Parker  
3 Decl.); see also Declaration of Wayne Miller in Response to Request for Supplemental Evidence  
4 (Miller Decl.).)

5 As evidenced by the long-term temperature monitoring data provided by Weger, Parker,  
6 and Miller, stream temperatures remain within appropriate ranges to protect salmonids on  
7 properties subject to and managed pursuant to NTMPs. (See Weger Decl., Exh. A; see also  
8 Parker Decl., Exh. A; see also Miller Decl., Exh. A.) For example, the Weger data, which has  
9 been collected annually almost every year for the past decade on three different streams, indicates  
10 that with NTMP selective harvest operations, stream temperatures remain within the appropriate  
11 range on all three streams. (See Weger Decl., Exh. A.)<sup>2</sup> Specifically, most of the area around the  
12 western portion of Dark Gulch (a Class I watercourse) was selectively harvested in 2003, and a  
13 small area around the headwaters was selectively harvested in 2004. Both harvest operations  
14 were conducted pursuant to the Weger Ranch, Ltd., NTMP. (*Id.*, ¶ 11.) Over the last decade  
15 (2000-2010), which incorporates both pre- and post-harvest periods, the stream temperature  
16 ranged between 53-63 degrees F. (See *id.*, Exh. A.) Similarly, areas directly adjacent to Soda  
17 Creek (also a Class I watercourse) were first selectively harvested pursuant to a Timber Harvest  
18 Plan (THP) in the late 1990s, and again selectively harvested in 2007 and 2009 under the Weger  
19 Ranch, Ltd., NTMP. (*Id.*, ¶ 12.) The watershed was also extensively burned during the fires of  
20 2008. Selective salvage logging occurred south of Soda Creek in 2009 and continued into 2010.  
21 (*Ibid.*) Over the ten-year period for which stream temperature data has been collected, the stream  
22 temperature remained within the range of 52-62 degrees F. (See *id.*, Exh. A.) The area directly  
23 around Cody Creek (a Class II watercourse) was selectively harvested under a THP in 2000 and  
24 again in 2001. (*Id.*, ¶ 13.) The area near the northern portion of Cody Creek was selectively  
25 harvested in 2002 pursuant to the Weger Ranch, Ltd., NTMP. (*Ibid.*) For Cody Creek, the  
26 ten-year stream temperature ranged between 52-60 degrees F. (See *id.*, Exh. A.)

27 <sup>2</sup> The relevant data are those between points A and B on the graph, which is when the data loggers were actually  
28 submerged in the stream. Data readings outside these points represent air temperature fluctuation as the data loggers  
were transported to and from the monitoring locations.

1 In another example, the Miller Tree Farm participated in the Mendocino County Stream  
2 Temperature Monitoring Program from 1998-2008, and monitored two streams on the Miller Tree  
3 Farm: Little North Fork Ten Mile River (a Class I watercourse) and Sawdust Gulch (a Class II  
4 watercourse). (Miller Decl., ¶¶ 4-5.) Selective timber harvest operations occurred near Upper  
5 Little North Fork Ten Mile River in 1979 and 1983 under THPs, and under the Miller Tree Farm  
6 NTMP in 1997-1998. (*Id.*, ¶ 10.) For the monitoring period of 1998 through 2008, the average  
7 stream temperature ranged between 53-57 degrees F. (*Id.*, Exh. A.) Areas directly around  
8 Sawdust Gulch were selectively harvested pursuant to the Miller Tree Farm NTMP in 1995,  
9 1998, and 2007. (*Id.*, ¶ 11.) The average temperature ranged between 52-60 degrees F for the  
10 monitoring period of 1998 through 2008. (*Id.*, Exh. A.)

11 The Parker Ten Mile Ranch, Ltd., participated in the Mendocino County Stream  
12 Temperature Monitoring Program from 1999 through 2005 for three streams: Vallejo Gulch  
13 (a Class I watercourse), Gulch Three (a Class I watercourse), and Hidden Gulch (a Class II water  
14 course). (Parker Decl., ¶¶ 5-6.) Almost all of the area around Vallejo Gulch was selectively  
15 harvested in 2002 through 2004 pursuant to the Parker Ten Mile Ranch, Ltd., NTMP. (*Id.*, ¶ 11.)  
16 The average stream temperature ranged between 53-57 degrees F for the period monitored. (*Id.*,  
17 Exh. A.) For Gulch Three, the headwaters area and areas north of the stream were selectively  
18 harvested in 1995-1996 and 2006-2007 pursuant to the Parker Ten Mile Ranch Ltd., NTMP. (*Id.*,  
19 ¶ 12.) Between 1999 and 2005, the average stream temperature ranged between 50-55 degrees F.  
20 (*Id.*, Exh. A.) Although there is no data available after 2005, there is no evidence to suggest that  
21 average stream temperatures have changed due to the 2006-2007 selective harvest operations.  
22 The area adjacent to Hidden Gulch was harvested in 1998 pursuant to the Parker Ten Mile Ranch,  
23 Ltd., NTMP. (*Id.*, ¶ 13.) Beginning in 1999 and through 2005, the stream temperature averaged  
24 between 52-58 degrees F. (*Id.*, Exh. A.)

25 Based on the long-term stream temperature data provided herein, substantial evidence  
26 exists to show that stream temperatures do not change due to post-harvest conditions after timber  
27 harvest operations are conducted pursuant to NTMPs. The summer and fall stream temperature  
28 ranges for all three properties remained within optimal ranges. Thus, timber harvest operations

1 conducted pursuant to NTMPs are protective of listed species and maintain abundant stream  
2 canopy and appropriate stream temperature conditions. Thus, the shade canopy requirements  
3 contained in the Categorical Waiver are arbitrary and not necessary to protect listed species and  
4 water quality.

5 **II. Cost Information Provides Evidence of Actual Costs Associated With**  
6 **Implementation of the NTMP Provisions of the Categorical Waiver**

7 The Porter-Cologne Water Quality Control Act requires the Regional Water Board to  
8 regulate, "to attain the highest water quality which is reasonable, considering all the demands  
9 being made and to be made on those waters and the total values involved, beneficial and  
10 detrimental, *economic* and social, tangible and intangible." (Wat. Code, § 13000, emphasis  
11 added.) To properly consider economic demands associated with the Categorical Waiver, the  
12 Regional Water Board must have accurate estimated costs for the proposed new requirements.  
13 The cost information provided herein with this Response to Request for Supplement Evidence  
14 contains actual projected costs from registered professional foresters (RPFs) as to what it would  
15 cost landowners to implement the new requirements in the Categorical Waiver. (See Weger  
16 Decl., Exhs B and C.)

17 For example, Mr. Daniel Cohoon (RPF #2069) provided cost information to the Regional  
18 Water Board in June of 2009 that estimates the erosion control plan requirements associated with  
19 the Categorical Waiver will cost an NTMP timber operation with approximately 2,400 acres over  
20 \$15,000. (Weger Decl., Exh. B.) This cost is three times that normally associated with Notice of  
21 Timber Operations under approved NTMPs. (*Ibid.*) In response to a questionnaire developed by  
22 the Regional Water Board, Mr. Craig Blencowe (RPF #2003) estimates that costs for preparing an  
23 erosion control plan to meet the Categorical Waiver for timberlands subject to existing NTMPs  
24 would range from \$1200 to \$1400 per each 100 acres. (*Id.*, Exh. C at p. 3.) Mr. Blencowe also  
25 estimates that the road management plan requirement for either a new or an existing NTMP  
26 timber operation with one mile of road and twenty watercourse crossings will cost an estimated  
27 \$2400 to \$2880 per 100 acres. (*Id.*, Exh. C at pp. 4-5.)  
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Thus, as indicated by the supplemental evidence, costs to implement the Categorical Waiver for NTMP timber landowners are significant. The significant costs may act as a disincentive for maintaining timber harvest operations under environmentally sensitive and sustainable NTMPs, which would be contrary to the Regional Water Board's overall intent.

Petitioners appreciate this opportunity to provide additional evidence in response to the State Water Board's Request for Supplemental Evidence, and encourage the State Water Board to act in an expedited manner on the Categorical Waiver.

SOMACH SIMMONS & DUNN

DATED: February 14, 2011

By   
Theresa A. Dunham  
Attorneys for Petitioners Weger  
Interests, Ltd., Parker Ten Mile Ranch,  
Bradford Ranch, Miller Tree Farm, and  
RPH Comptche Properties

1 PROOF OF SERVICE

2 I am employed in the County of Sacramento; my business address is 500 Capitol Mall,  
3 Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing  
4 action.

5 On February 14, 2011, I served the below listed document(s) by mail on the parties in said  
6 action, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof  
7 enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing  
8 mail at the offices of Somach Simmons & Dunn, addressed as set forth in the attached Service  
9 List.

10 As a courtesy, on February 14, 2011, I electronically transmitted the below listed  
11 document(s) to the person(s) at the electronic mailing addresses as set forth in the attached  
12 Service List.

13 **RESPONSE TO REQUEST FOR SUPPLEMENTAL EVIDENCE**

14 I declare under penalty of perjury that the foregoing is true and correct under the laws of  
15 the State of California. Executed on February 14, 2011, at Sacramento, California.

16   
17 \_\_\_\_\_  
18 Crystal Rivera

**SERVICE LIST**  
**SWRCB/OCC Files A-2029, 2029(a) and 2029(b) consolidated**

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<p><u>Courtesy Copy:</u> Jeannette L. Bashaw, Legal Analyst Office of Chief Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:jbashaw@waterboards.ca.gov">jbashaw@waterboards.ca.gov</a></p>	<p>Eugenia Herr RPH Comptche Properties P.O. Box 446 Philo, CA 95466 Email: <a href="mailto:eandrherr@dishmail.net">eandrherr@dishmail.net</a></p>

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SWRCB/OCC Files A-2029, A-2029(a)  
and A-2029(b)

DECLARATION OF WAYNE MILLER  
IN RESPONSE TO REQUEST FOR  
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 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. Portions of the area around Upper Little North Fork Ten Mile River (a Class I  
15 watercourse) were selectively harvested in 1979 and 1983 under Timber Harvest Plans (THPs)  
16 and were harvested again in 1997-1998 pursuant to the Miller Tree Farm's NTMP.

17 11. Areas directly around Sawdust Gulch (a Class II watercourse) were selectively  
18 harvested in 1995, 1998, and 2007 pursuant to the Miller Tree Farm's NTMP.

19 12. Exhibit A attached hereto is a true and correct copy of stream temperature data  
20 collected on property owned and operated by Miller Tree Farm, as downloaded by the University  
21 of California Office of Cooperative Extension in Mendocino County, and as provided to Miller  
22 Tree Farm by the University of California Office of Cooperative Extension in Mendocino  
23 County.

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28 <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.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11 day of February 2011, at Orinda, California.

  
\_\_\_\_\_  
WAYNE MILLER

1448

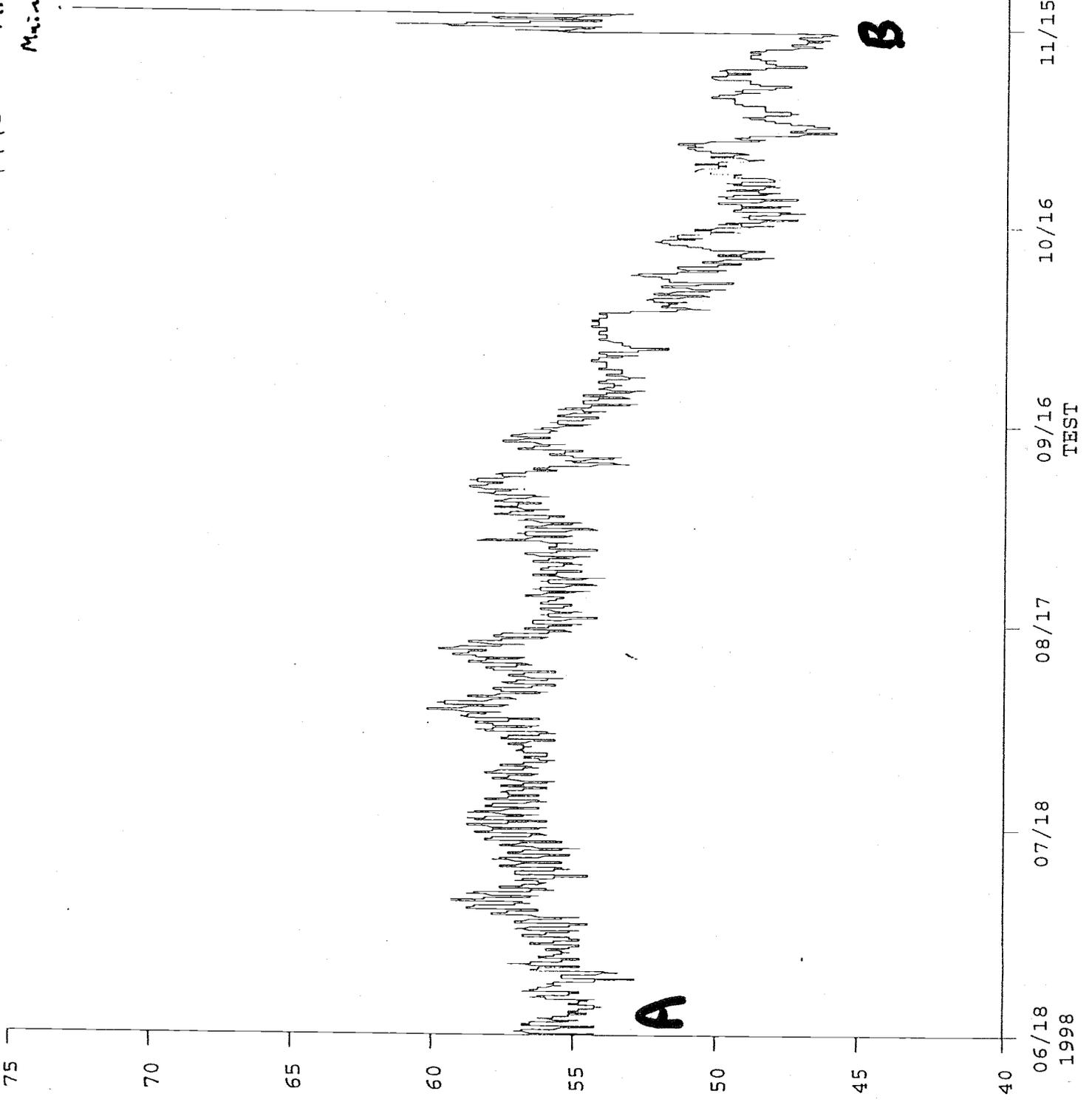
Miller Z

Main Stem Little N. Fort

10-mile

Removed @ 3 pm

11/14/98



A

B

EXHIBIT A

T e m p e r a t u r e F

06/18 1998

07/18

08/17

09/16 TEST

10/16

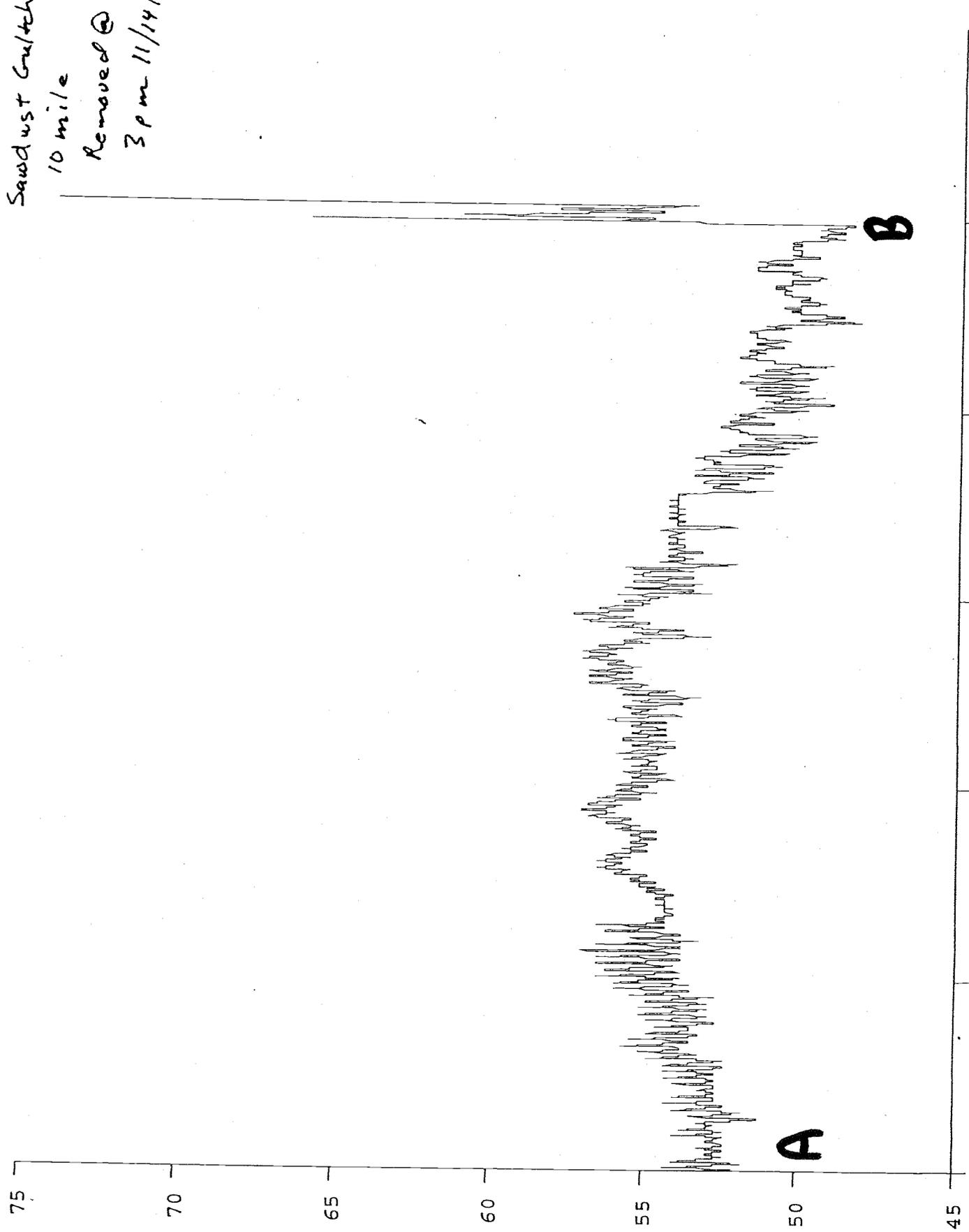
11/15

12/15 S/N 187655

1498

Miller 1

Sawdust Gulch  
10 mile  
Removed @  
3 pm 11/14/98



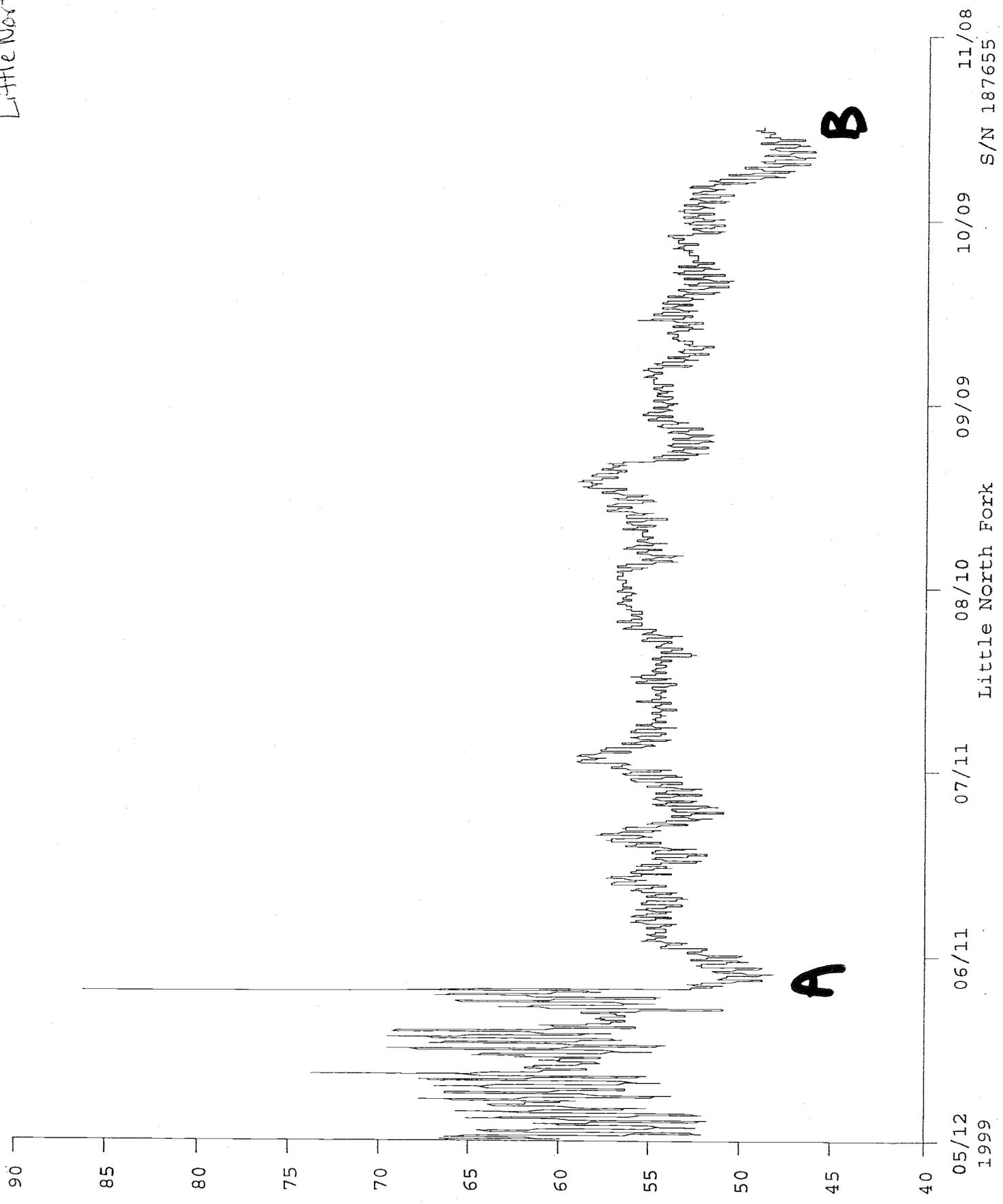
**A**

**B**

06/18 1998  
07/18  
08/17  
09/16 TEST  
10/16  
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S/N 187661

T E M P E R A T U R E F .

Little North Fork



T e m p e r a t u r e F

**A**

**B**

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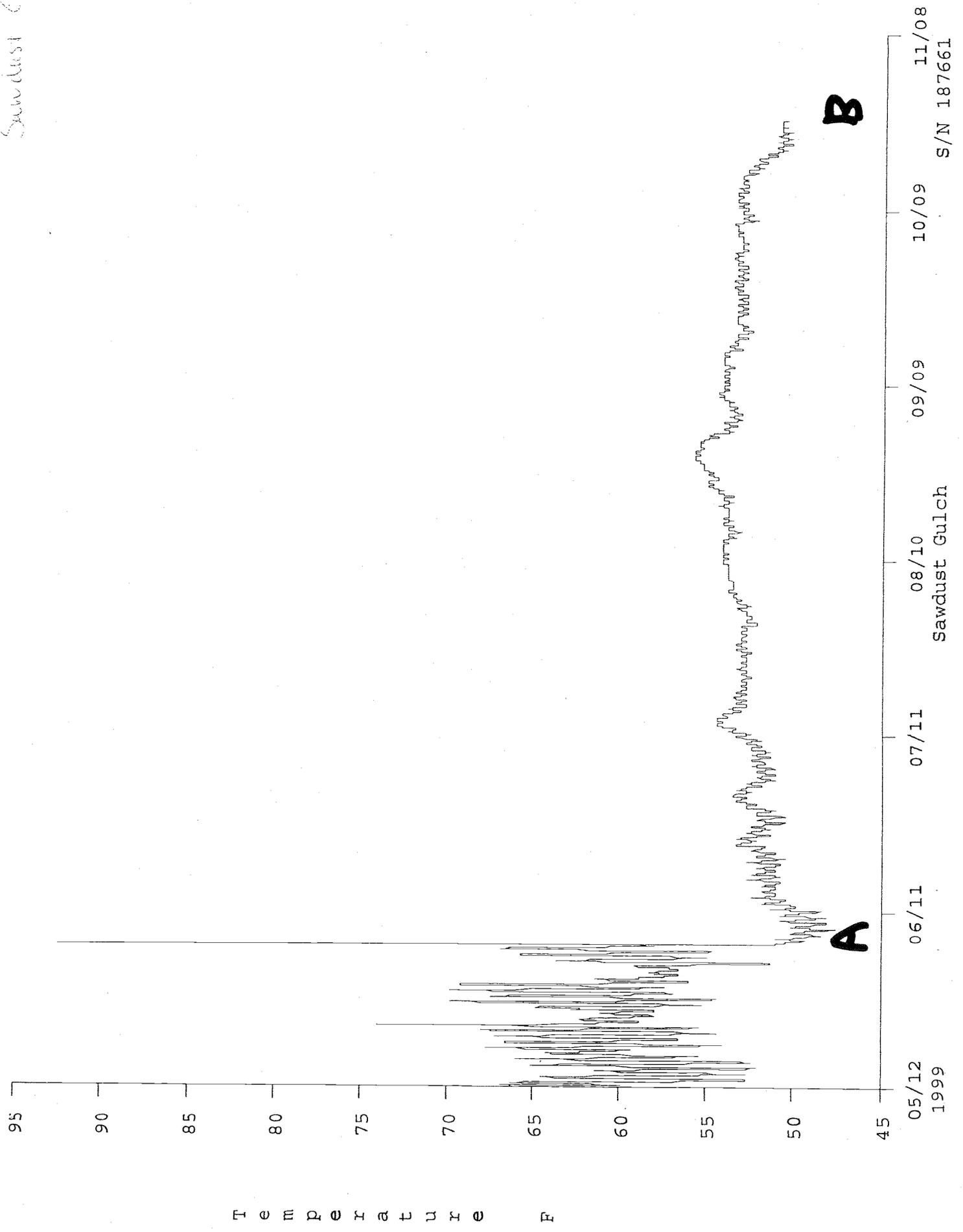
10/09

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Little North Fork

S/N 187655

Sawdust Gulch

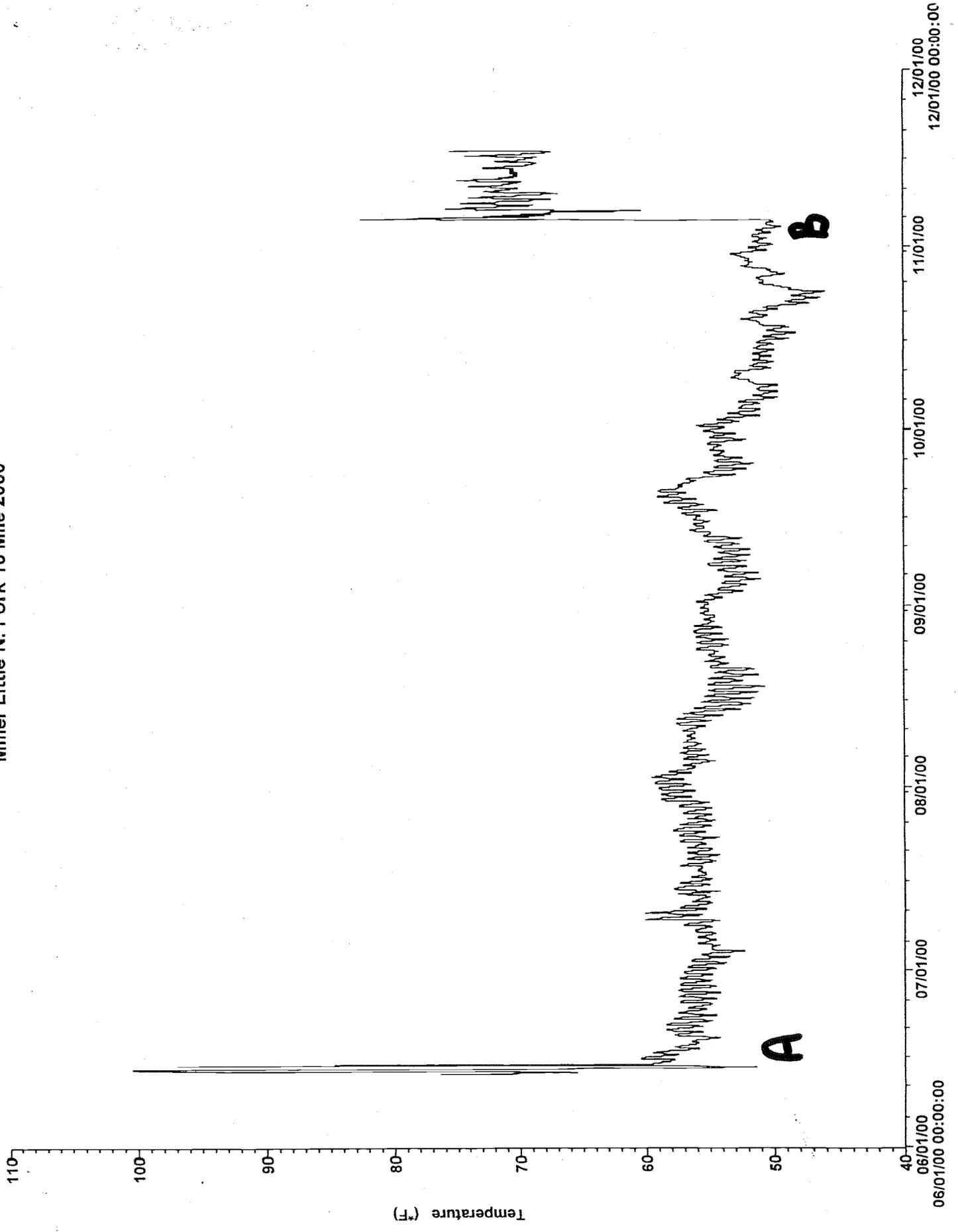


**B**

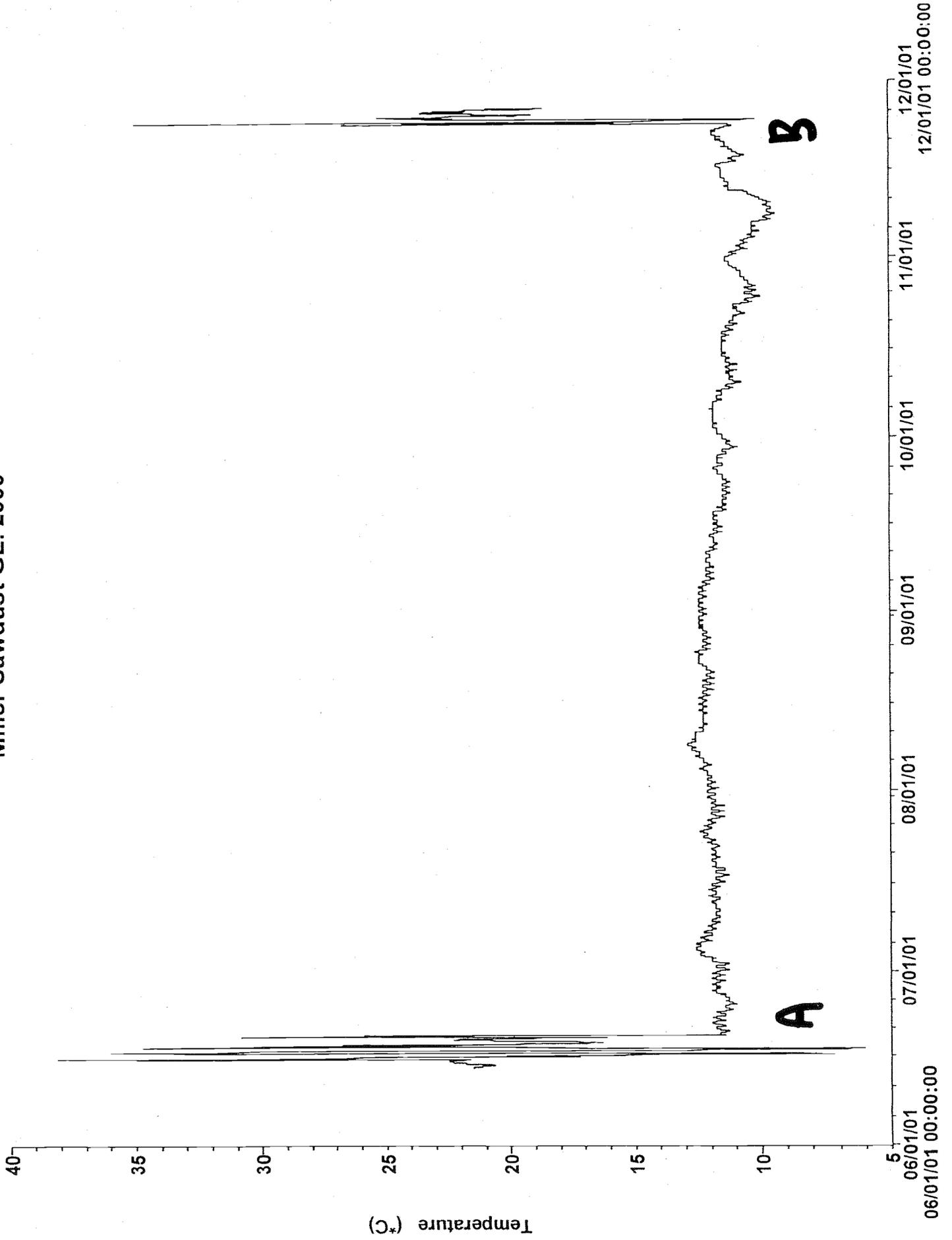
**A**

05/12 1999      06/11      07/11      08/10      09/09      10/09      11/08  
Sawdust Gulch      S/N 187661

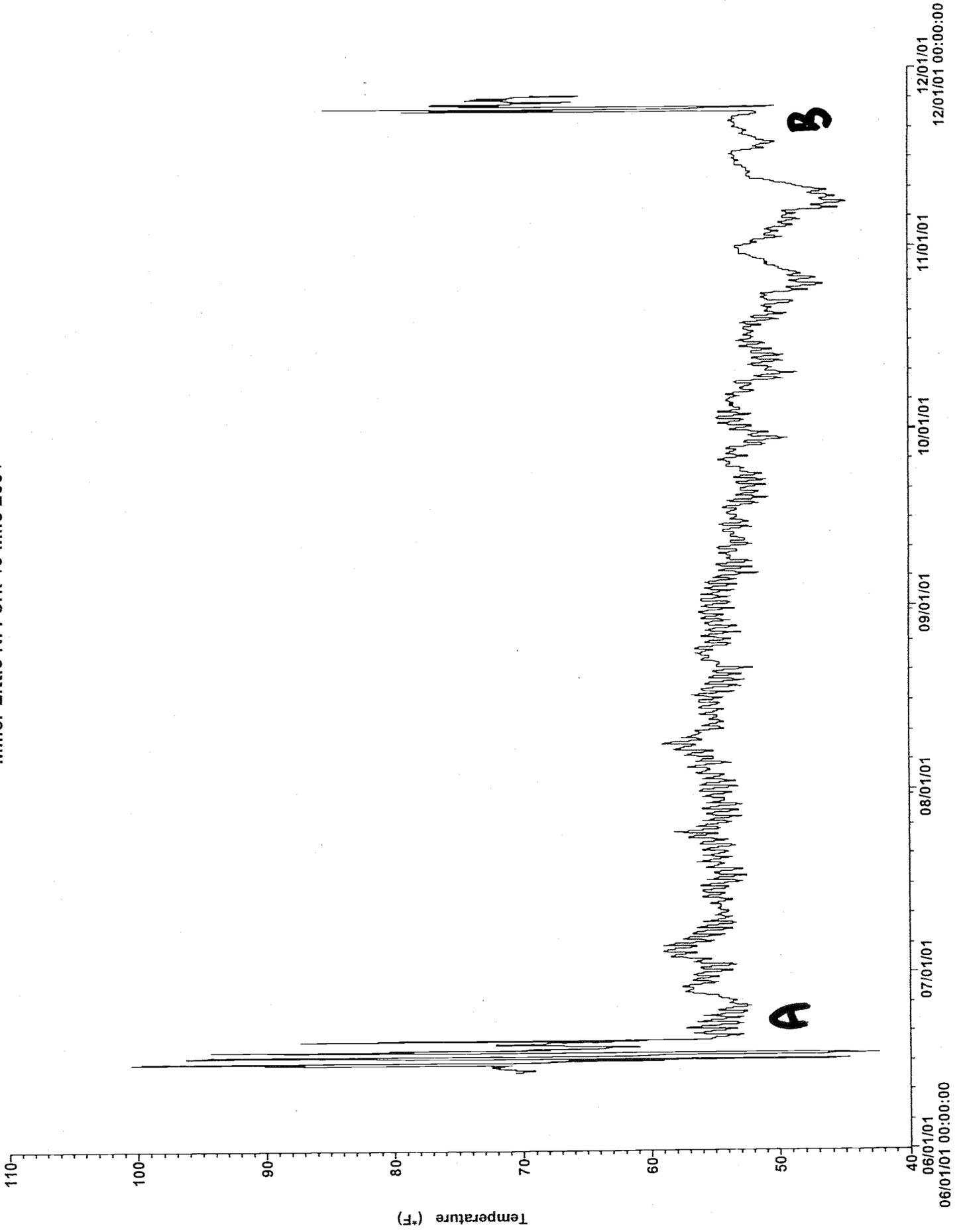
Miller Little N. Fork 10 Mile 2000



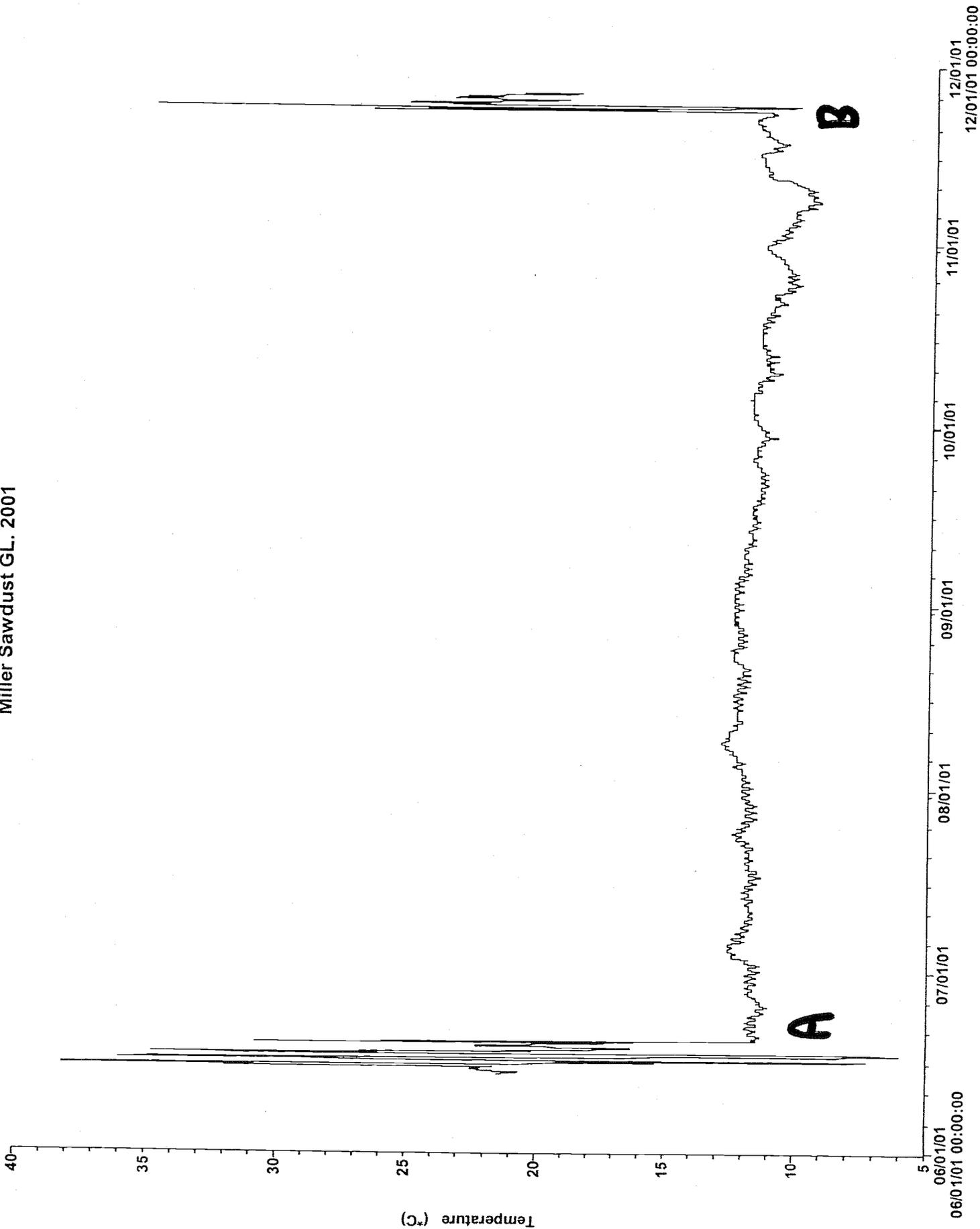
Miller Sawdust GL. 2000



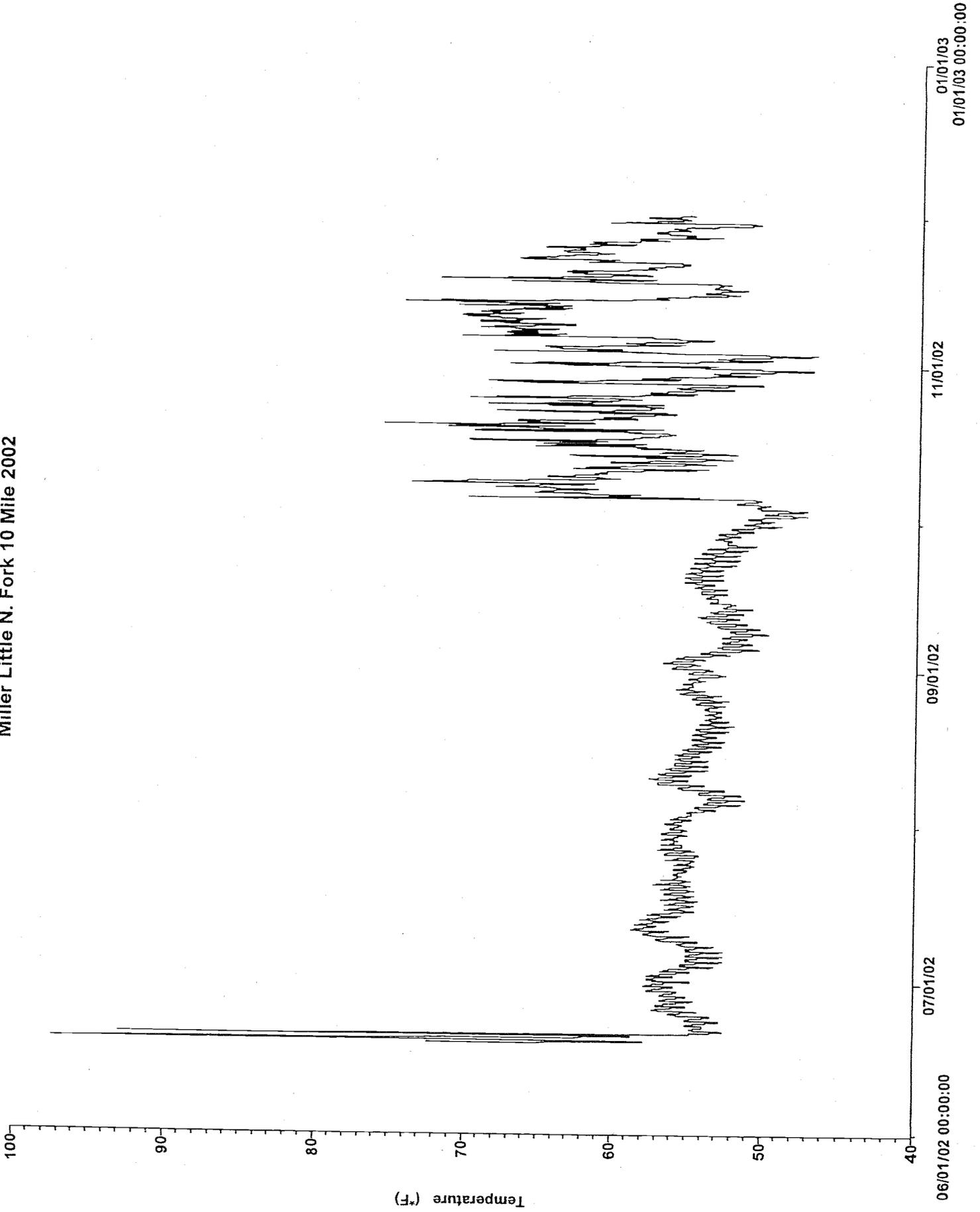
Miller Little N. Fork 10 Mile 2001



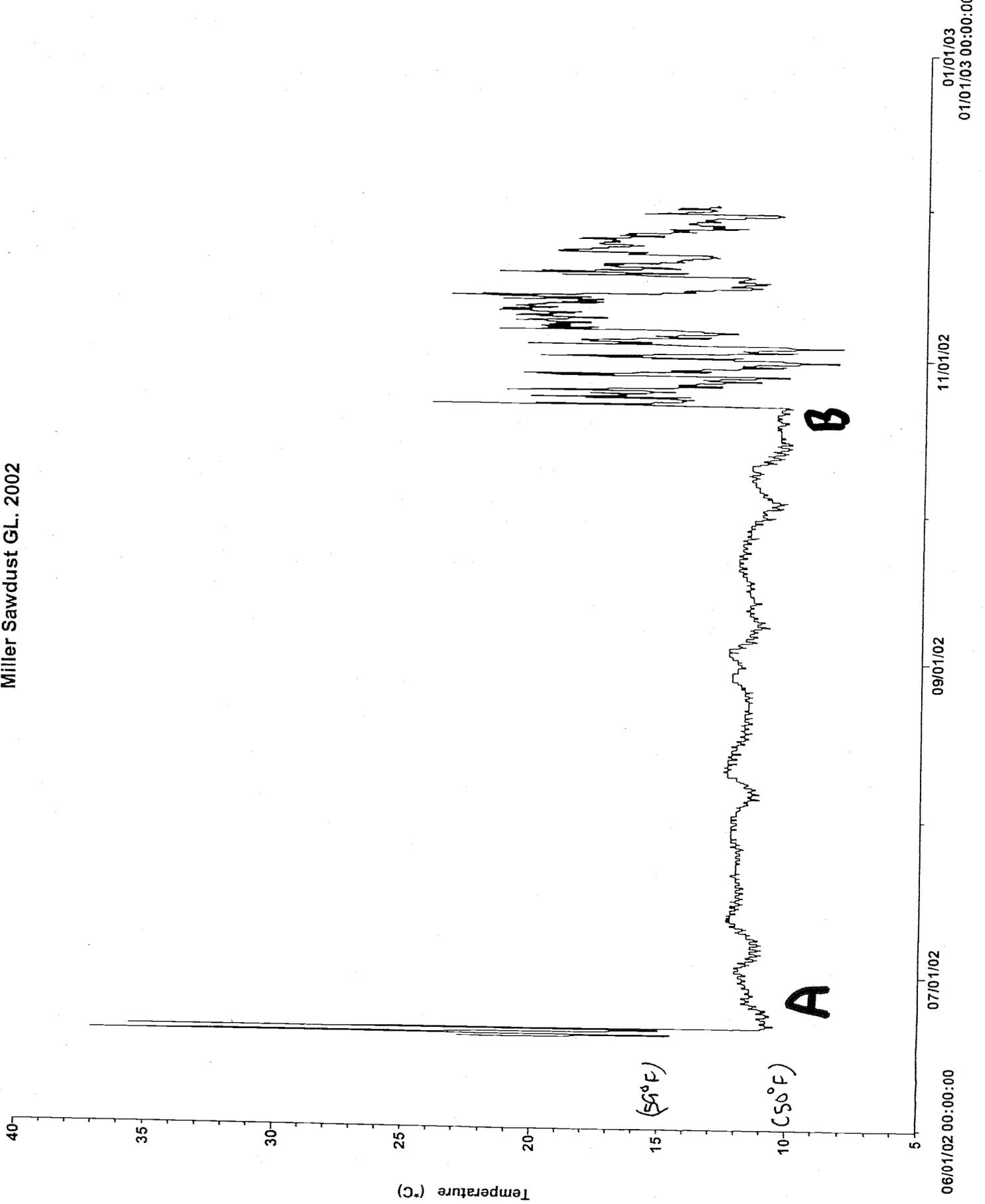
Miller Sawdust GL. 2001



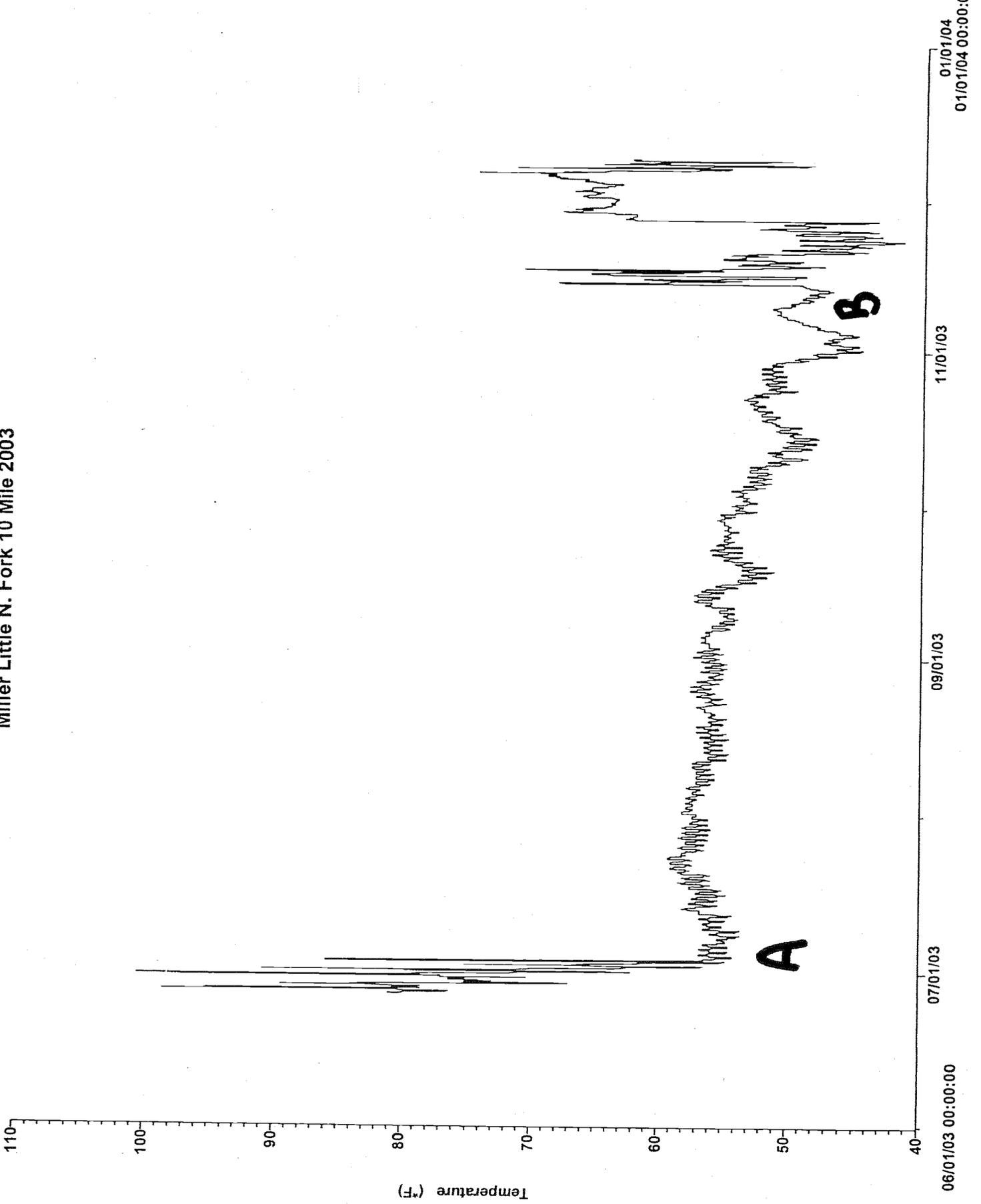
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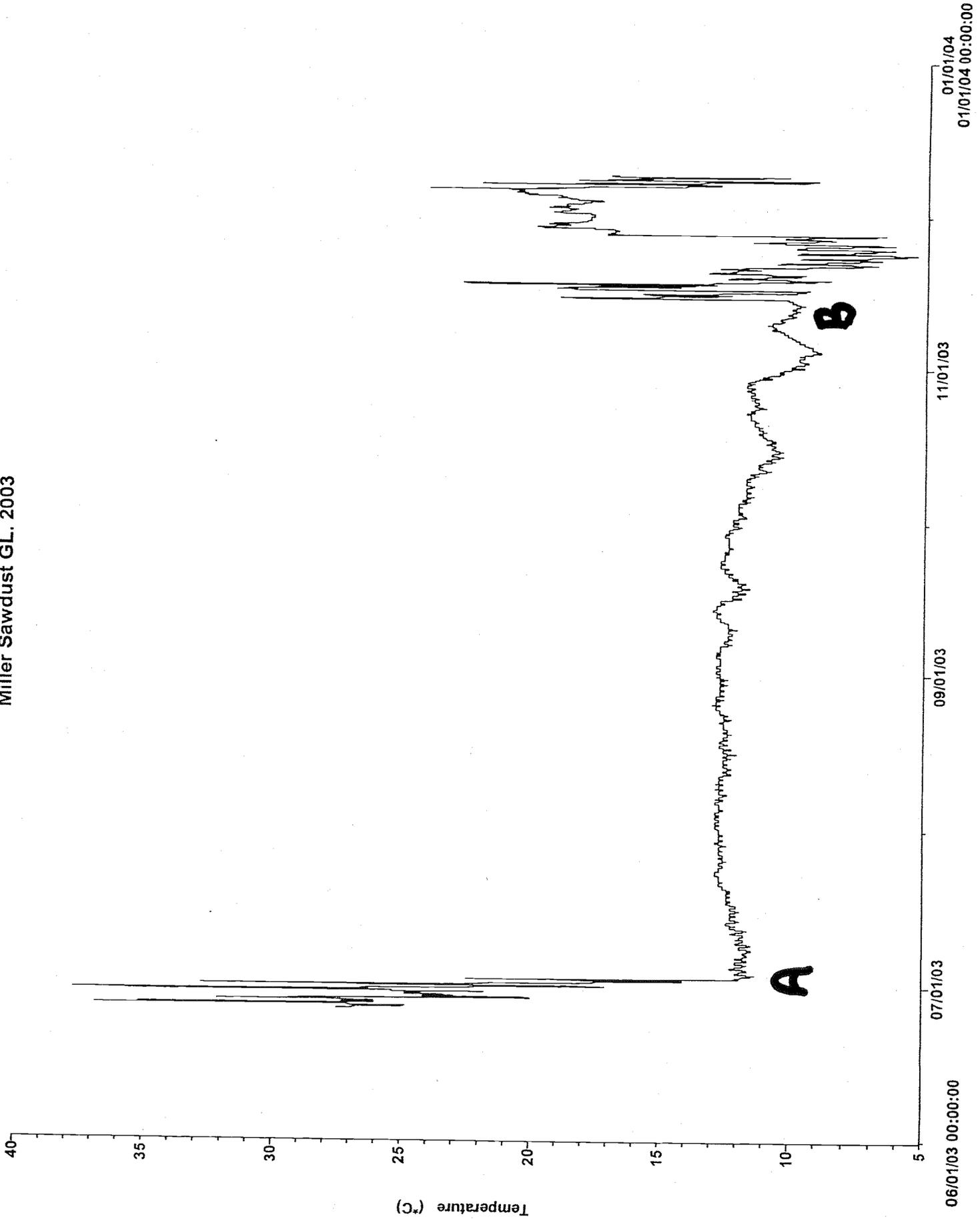
Miller Sawdust GL. 2002



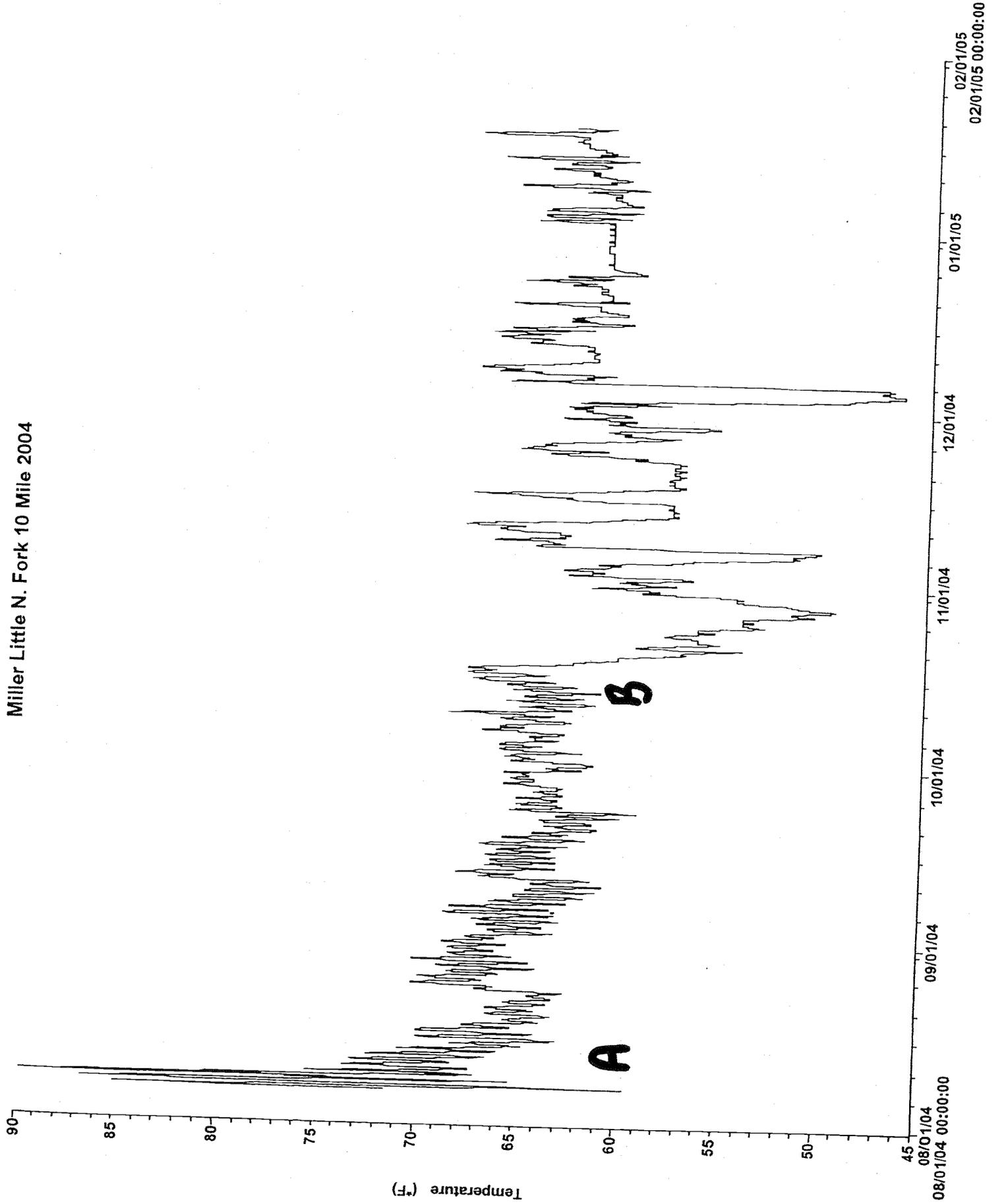
Miller Little N. Fork 10 Mile 2003



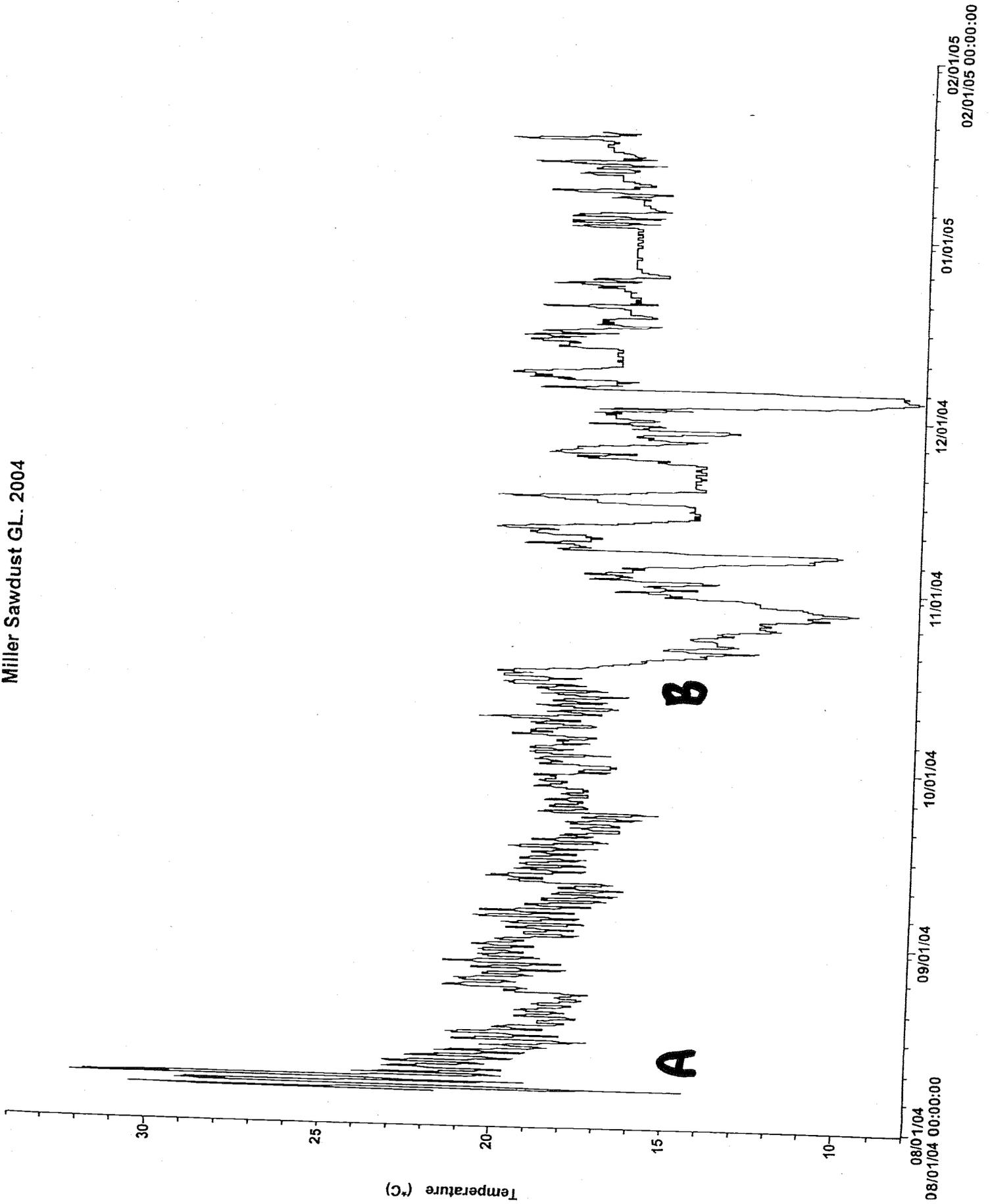
Miller Sawdust GL. 2003



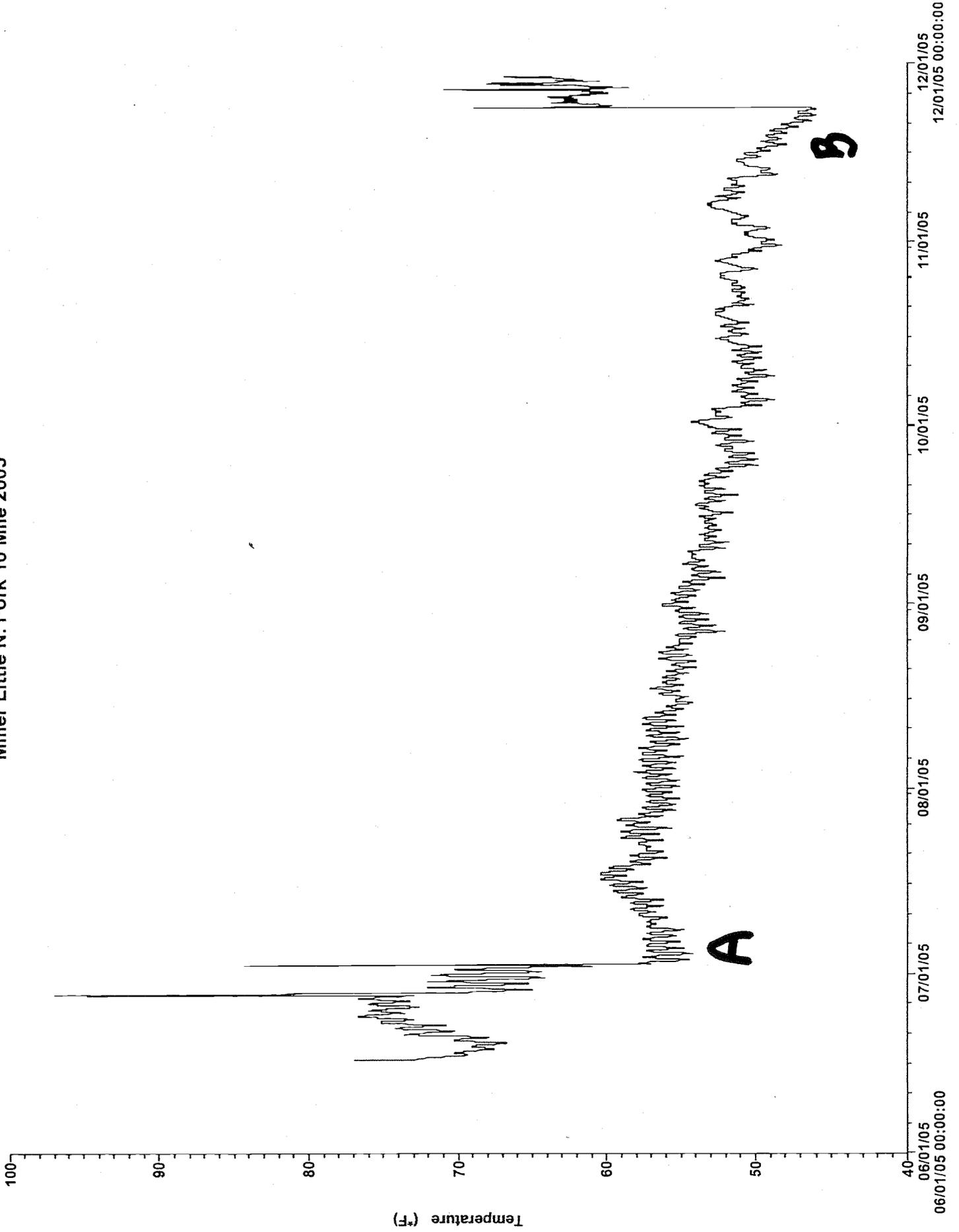
Miller Little N. Fork 10 Mile 2004



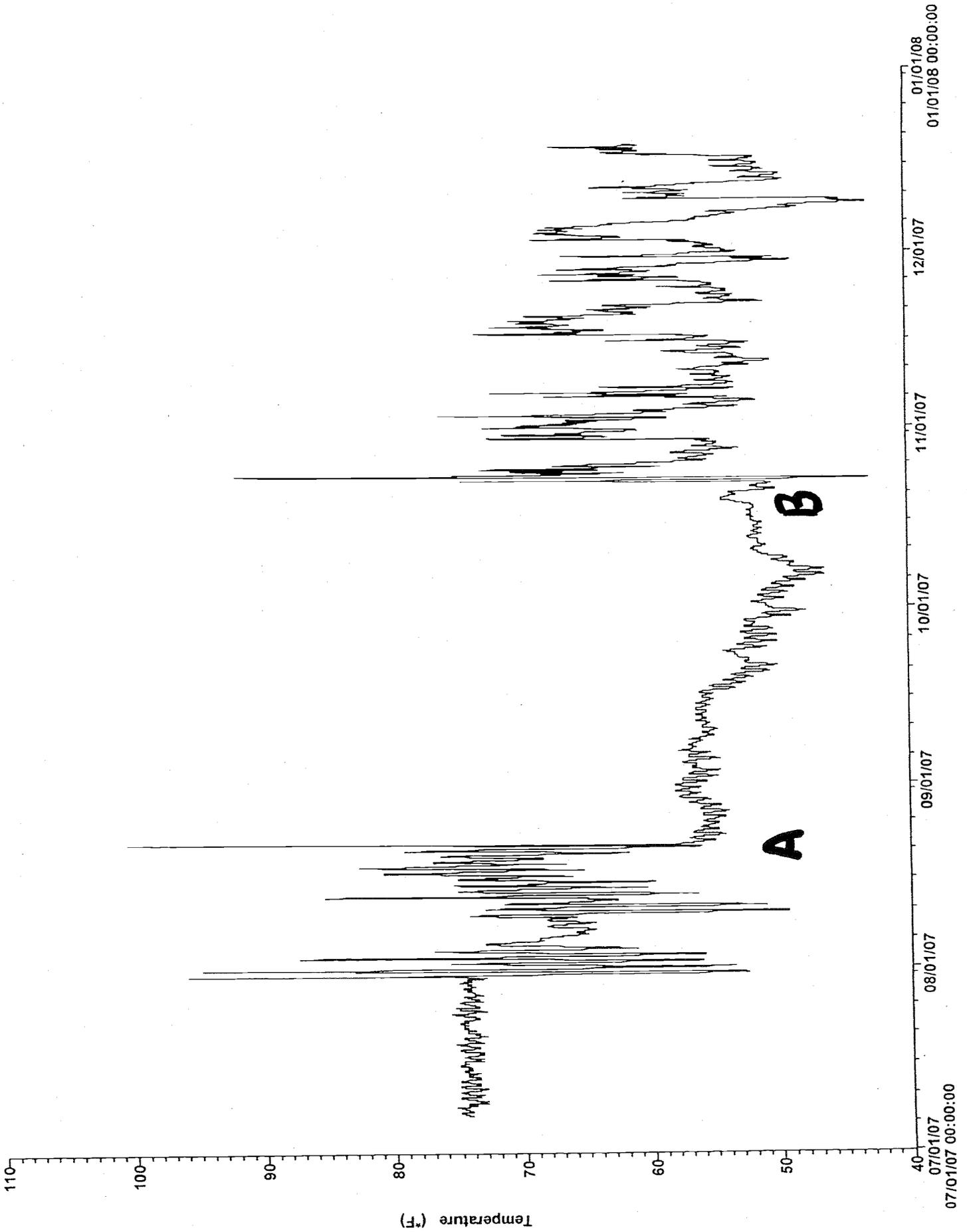
Miller Sawdust GL. 2004



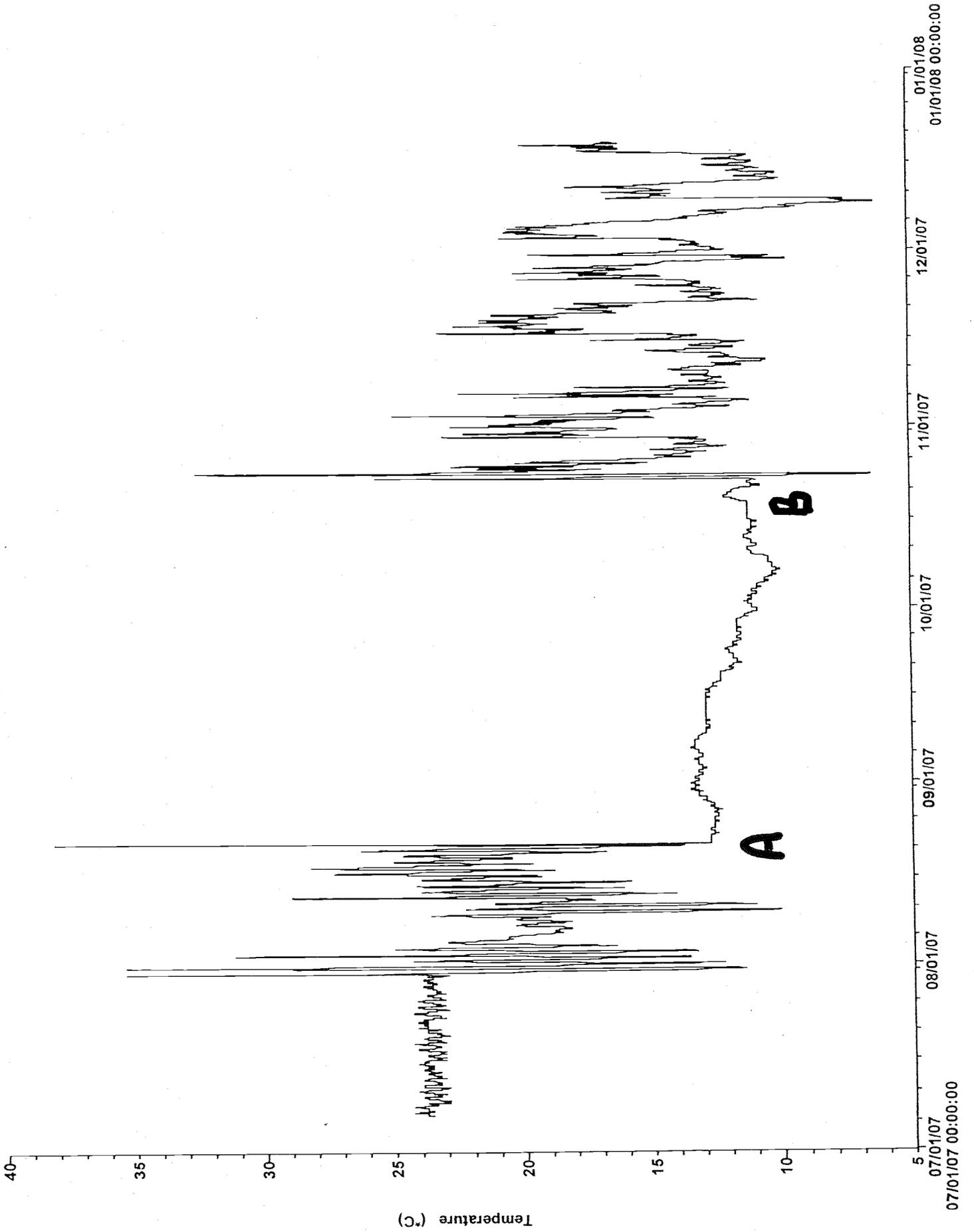
Miller Little N. Fork 10 Mile 2005



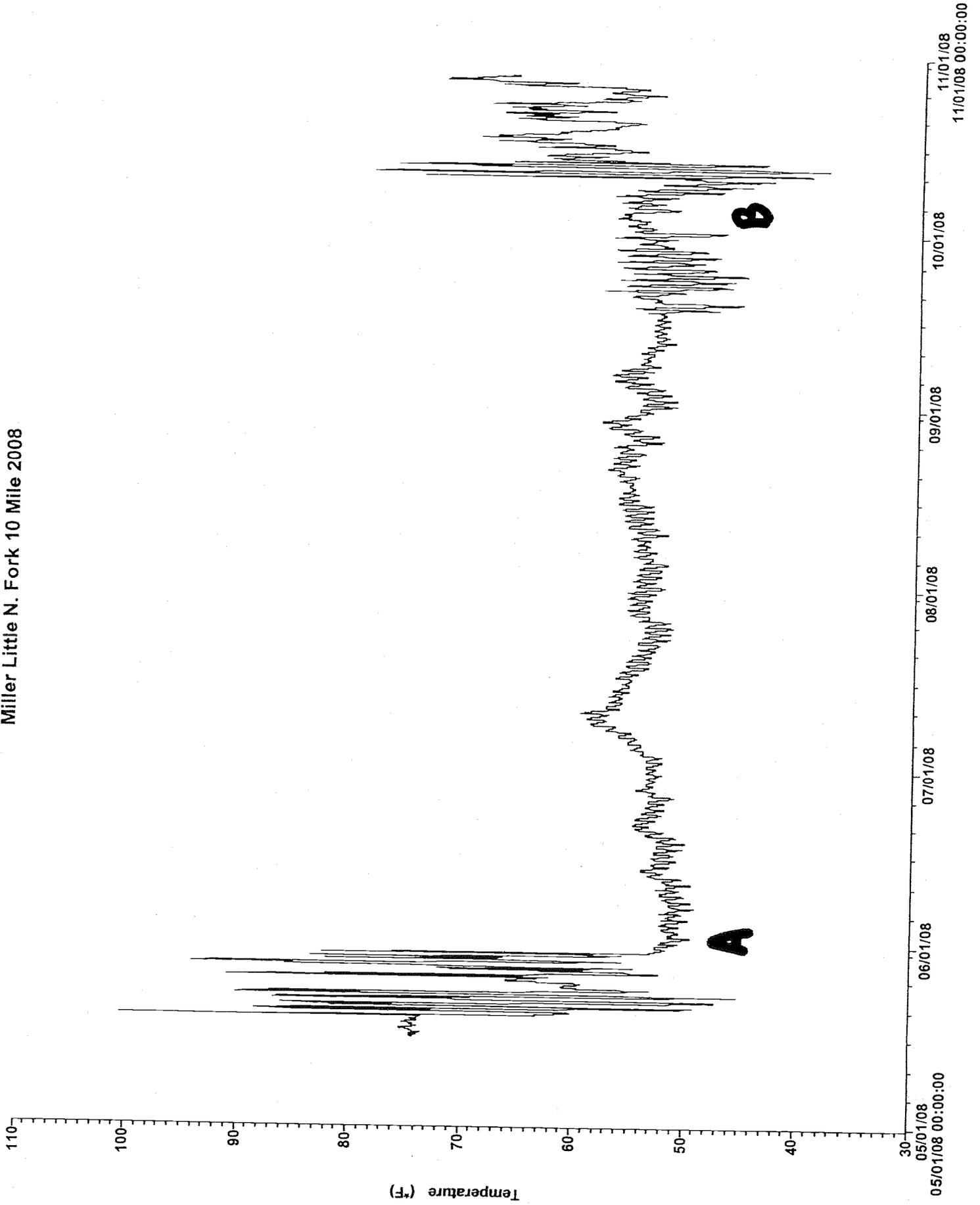
Miller Little N. Fork 10 Mile 2007



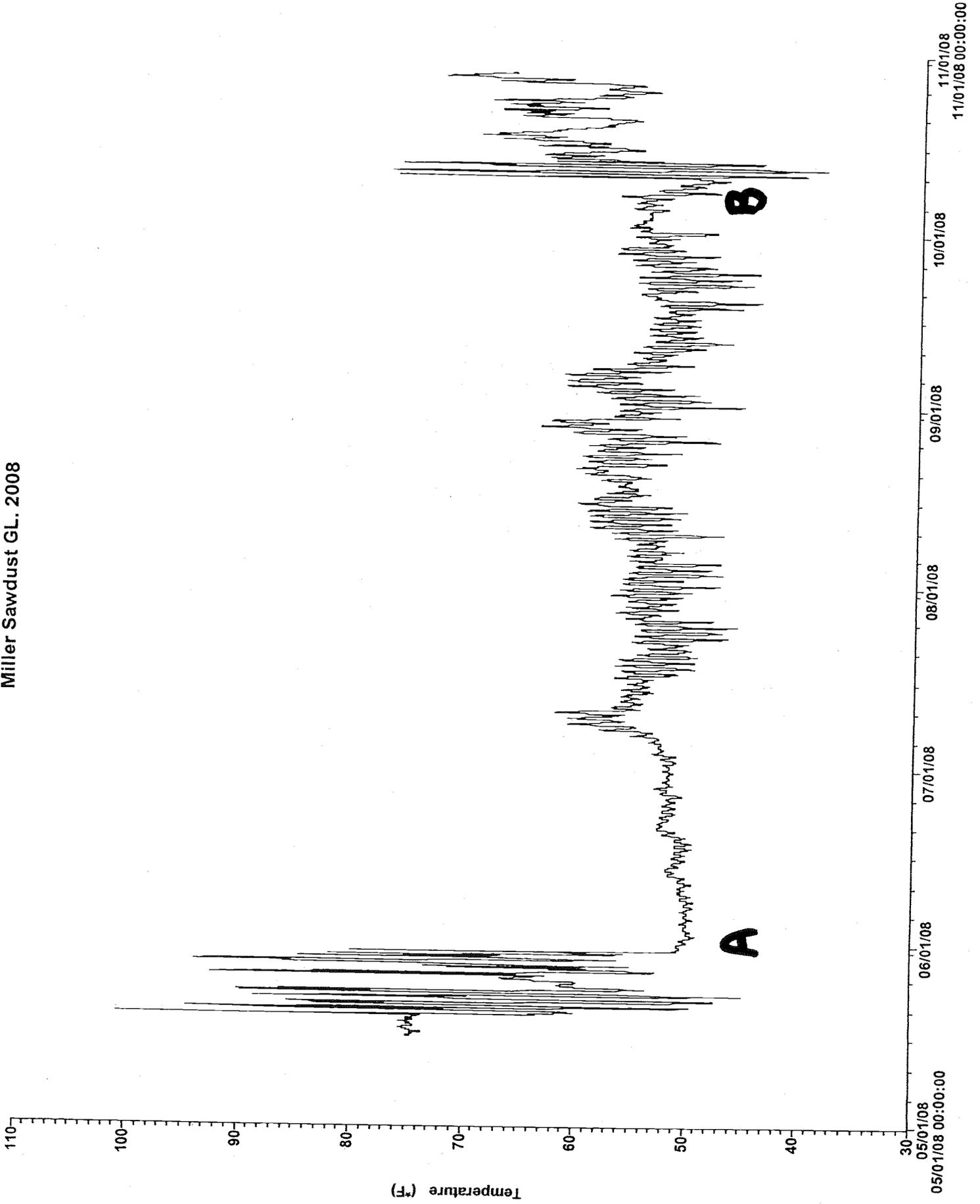
Miller Sawdust GL. 2007



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 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On February 14, 2011, I served the below listed document(s) by mail on the parties in said action, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail at the offices of Somach Simmons & Dunn, addressed as set forth in the attached Service List.

As a courtesy, on February 14, 2011, I electronically transmitted the below listed document(s) to the person(s) at the electronic mailing addresses as set forth in the attached Service List.

**DECLARATION OF WAYNE MILLER  
IN RESPONSE TO REQUEST FOR SUPPLEMENTAL EVIDENCE**

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on February 14, 2011, at Sacramento, California.

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

**SERVICE LIST**  
**SWRCB/OCC Files A-2029, 2029(a) and 2029(b) consolidated**

<p>1 2 3 4 5 6 7 8</p>	<p>Ginevra "Giny" K. Chandler, Chief Counsel The California Department of Forestry and Fire Protection P.O. Box 944246 Sacramento, CA 94244-2460 Email: <a href="mailto:giny.chandler@fire.ca.gov">giny.chandler@fire.ca.gov</a></p>	<p>Christian C. Scheuring, Esquire Kari E. Fisher, Esquire Jack L. Rice, Esquire California Farm Bureau Federation 2300 River Plaza Drive Sacramento, CA 95833 Email: <a href="mailto:cscheuring@cfbf.com">cscheuring@cfbf.com</a> <a href="mailto:kfisher@cfbf.com">kfisher@cfbf.com</a> <a href="mailto:jrice@cfbf.com">jrice@cfbf.com</a> <a href="mailto:photz@cfbf.com">photz@cfbf.com</a></p>
<p>9 10 11</p>	<p>Crawford Tuttle, Chief Deputy Director The California Department of Forestry and Fire Protection P.O. Box 944246 Sacramento, CA 94244-2460 Email: <a href="mailto:Crawford.tuttle@fire.ca.gov">Crawford.tuttle@fire.ca.gov</a></p>	<p>John W. Williams Forest Landowners of California 2300 Northpoint Parkway Santa Rosa, CA 95407 Email: <a href="mailto:jwilliams@eresourcesolutions.com">jwilliams@eresourcesolutions.com</a></p>
<p>12 13 14 15</p>	<p>Samantha Olson, Senior Staff Counsel Office of Chief Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:solson@waterboards.ca.gov">solson@waterboards.ca.gov</a></p>	<p>William Keye, Government Affairs Specialist Mr. Jason Popurko, President California Licensed Foresters Assoc. P.O. Box 39 Fort Bragg, CA 95437 Email: <a href="mailto:clfa@volcano.net">clfa@volcano.net</a></p>
<p>16 17 18 19</p>	<p>David Rice, Staff Counsel Office of Chief Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:davidrice@waterboards.ca.gov">davidrice@waterboards.ca.gov</a></p>	<p>Ruthann Schulte, Executive Director Julie Houtby, Vice-Chair The Buckeye Conservancy P.O. Box 5607 Eureka, CA 95502 Email: <a href="mailto:buckeye@humboldt1.com">buckeye@humboldt1.com</a></p>
<p>20 21 22</p>	<p>Michael Lauffer, Chief Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:mlauffer@waterboards.ca.gov">mlauffer@waterboards.ca.gov</a></p>	<p>Randy Jacobszoon Association of Counseling Foresters of America, California Chapter P.O. Box 225 Redwood Valley, CA 95470 Email: <a href="mailto:forestry@pacific.net">forestry@pacific.net</a></p>
<p>23 24 25 26</p>	<p>Karen A. O'Haire, Senior Staff Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:kohaire@waterboards.ca.gov">kohaire@waterboards.ca.gov</a></p>	<p>Charles Ciancio P.O. Box 172 Cutten, CA 95534</p>

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<p>Catherine Kuhlman, Executive Officer California Regional Water Quality Control Board, North Coast Region 5550 Skylane Boulevard, Suite A Santa Rosa, CA 95403-1072 Email: <a href="mailto:ckuhlman@waterboards.ca.gov">ckuhlman@waterboards.ca.gov</a></p>	<p>Diane Colborn Water, Parks and Wildlife Committee California Assembly P.O. Box 942849 Sacramento, CA 94249 Email: <a href="mailto:diane.colborn@asm.ca.gov">diane.colborn@asm.ca.gov</a></p>
<p>Luis G. Rivera, Assistant Executive Officer California Regional Water Quality Control Board, North Coast Region 5550 Skylane Boulevard, Suite A Santa Rosa, CA 95403-1072 Email: <a href="mailto:lrivera@waterboards.ca.gov">lrivera@waterboards.ca.gov</a></p>	<p>Michele Dias, Vice President Legal and Environmental Affairs California Forestry Association 1215 K Street, Suite 1830 Sacramento, CA 95814 Email: <a href="mailto:micheled@cwo.com">micheled@cwo.com</a></p>
<p>James Burke, Engineering Geologist California Regional Water Quality Control Board, North Coast Region 5550 Skylane Boulevard, Suite A Santa Rosa, CA 95403-1072 Email: <a href="mailto:jburke@waterboards.ca.gov">jburke@waterboards.ca.gov</a></p>	<p>Lisa Weger Weger Interests, Ltd. 2742 Treetops Way Santa Rosa, CA 95404 Email: <a href="mailto:lisweger@sonic.net">lisweger@sonic.net</a></p>
	<p>Nan Deniston and Peter Parker Parker Ten Mile Ranch 1950 Primrose Drive South Pasadena, CA 91030 Email: <a href="mailto:ndeniston@earthlink.net">ndeniston@earthlink.net</a> <a href="mailto:ptparker@earthlink.net">ptparker@earthlink.net</a></p>
	<p>Peter Bradford Bradford Ranch P.O. Box 629 Boonville, CA 95415 Email: <a href="mailto:BradfordRanch@wildblue.net">BradfordRanch@wildblue.net</a></p>
	<p>Wayne and Joan Miller Miller Tree Farm 10 Highland Court Orinda, CA 94563 Email: <a href="mailto:Ernie2@aol.com">Ernie2@aol.com</a></p>
<p><u>Courtesy Copy:</u> Jeannette L. Bashaw, Legal Analyst Office of Chief Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:jbashaw@waterboards.ca.gov">jbashaw@waterboards.ca.gov</a></p>	<p>Eugenia Herr RPH Comptche Properties P.O. Box 446 Philo, CA 95466 Email: <a href="mailto:eandrherr@dishmail.net">eandrherr@dishmail.net</a></p>

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DANIEL KELLY, ESQ. (SBN 215051)  
3 500 Capitol Mall, Suite 1000  
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4 Telephone: (916) 446-7979  
Facsimile: (916) 446-8199  
5 [tdunham@somachlaw.com](mailto:tdunham@somachlaw.com)

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

8

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BEFORE THE

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CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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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 Files A-2029, A-2029(a)  
and A-2029(b)

DECLARATION OF PETER PARKER IN  
RESPONSE TO REQUEST FOR  
SUPPLEMENTAL EVIDENCE

15

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, Ltd., is a limited partnership with property located in  
20 Mendocino County, California.

21

3. Parker Ten Mile Ranch, Ltd., is owned in part by Parker Timber LLC, which  
22 manages timber operations for Parker Ten Mile Ranch, Ltd.

23

4. Parker Ten Mile Ranch, Ltd., has an estimated 2,000 acres in Mendocino County  
24 that are subject to an approved Non-industrial Timber Management Plan (NTMP) from the  
25 California Department of Forestry and Fire Protection.

26

5. In 1998, Parker Ten Mile Ranch, Ltd., agreed to voluntarily participate in the  
27 Mendocino County Stream Temperature Monitoring Program through the University of  
28 California Office of 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, Ltd.,  
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.       Almost all of the area around Vallejo Gulch (a Class I watercourse) was  
17 selectively harvested in 2002 through 2004 pursuant to the Parker Ten Mile Ranch, Ltd.'s NTMP.

18          12.       The headwater area and area north of Gulch Three (a Class I watercourse) were  
19 selectively harvested in 1995-1996 and 2006-2007 pursuant to the Parker Ten Mile Ranch, Ltd.'s  
20 NTMP.

21          13.       The area adjacent to Hidden Gulch (a Class II watercourse) was harvested in 1998  
22 pursuant to the Parker Ten Mile Ranch, Ltd.'s NTMP.

23          14.       Exhibit A attached hereto is a true and correct copy of stream temperature data  
24 collected through data loggers placed on property owned and operated by Parker Ten Mile Ranch,  
25 as downloaded by the University of California Office of Cooperative Extension in Mendocino  
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.

1 County, and as provided to Parker Ten Mile Ranch by the University of California Office of  
 2 Cooperative Extension in Mendocino County.

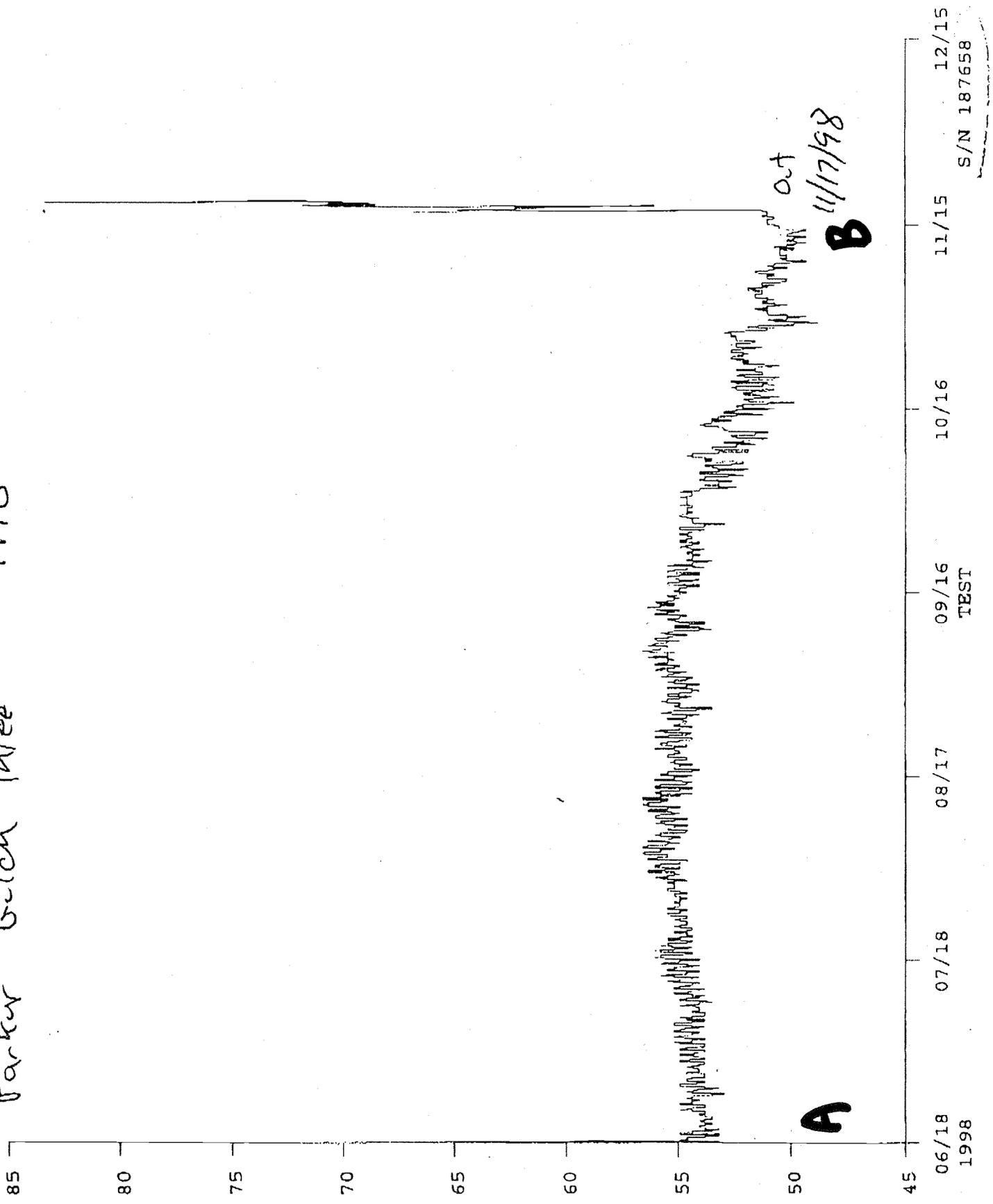
3 I declare under penalty of perjury under the laws of the State of California that the  
 4 foregoing is true and correct. Executed this 11 day of February 2011, at <sup>Granville</sup> ~~South Pasadena~~,  
 5 <sup>Vermont</sup> ~~California~~.

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 7 \_\_\_\_\_  
 8 PETER PARKER

SOMACH SIMMONS & DUNN  
 A Professional Corporation

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Parker Gulch Three 1998



TEMPERATURE

EXHIBIT A

12/15  
S/N 187658

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09/16  
TEST

08/17

07/18

06/18  
1998

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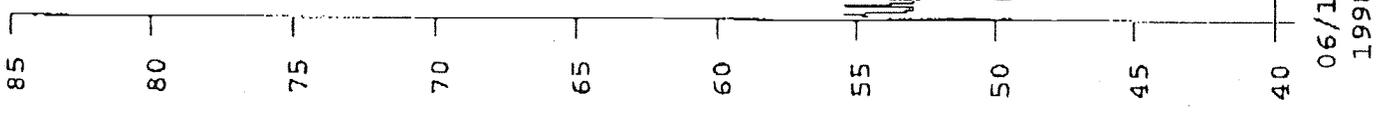
B

out

11/17/98

17910

Marker Hidden Gilch



**A**

**B**

out

11/17/98

06/18  
1998

07/18

08/17

09/16  
TEST

10/16

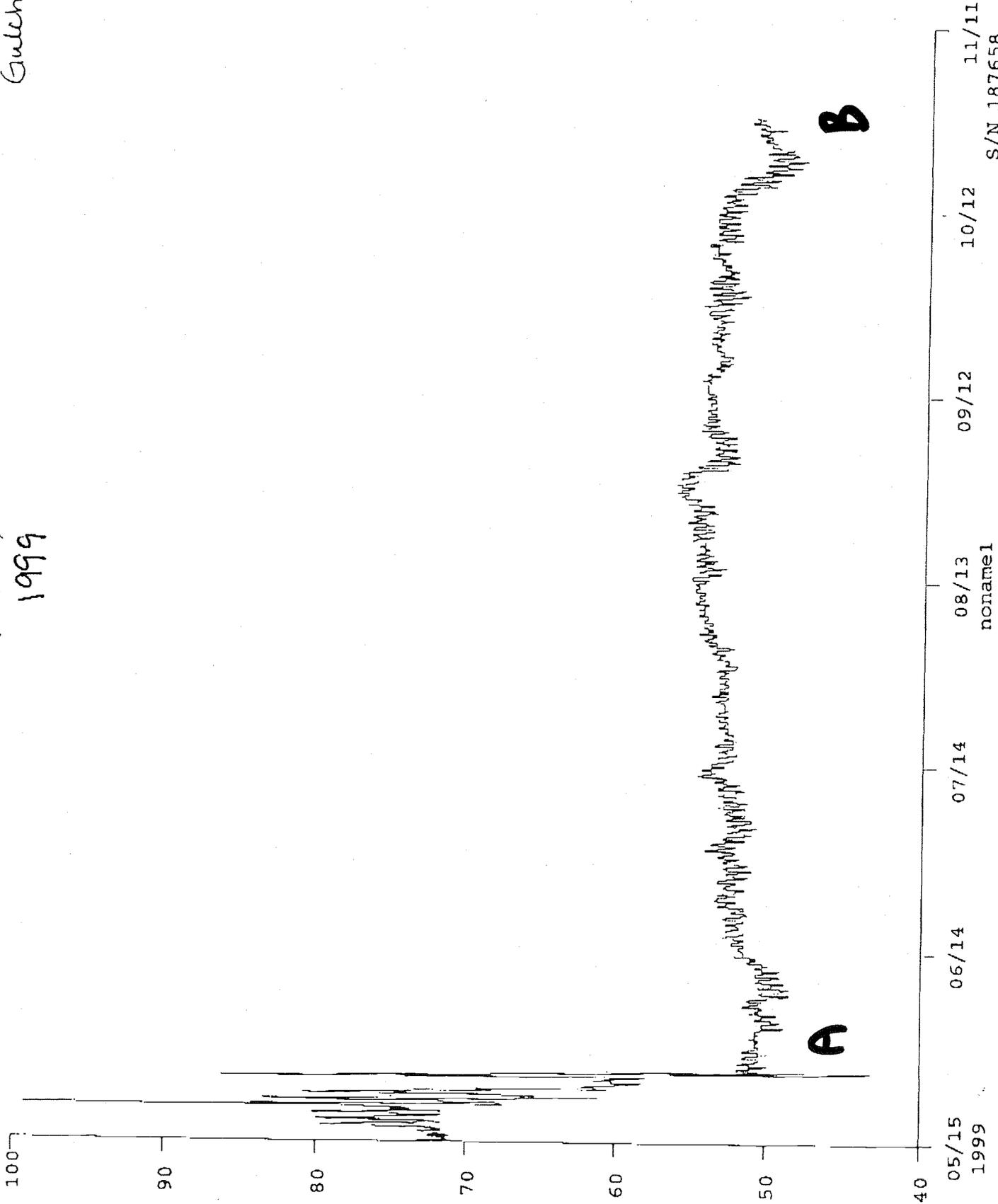
11/15

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T e m p e r a t u r e F

PARKER  
1999

Parker  
Gulch 3

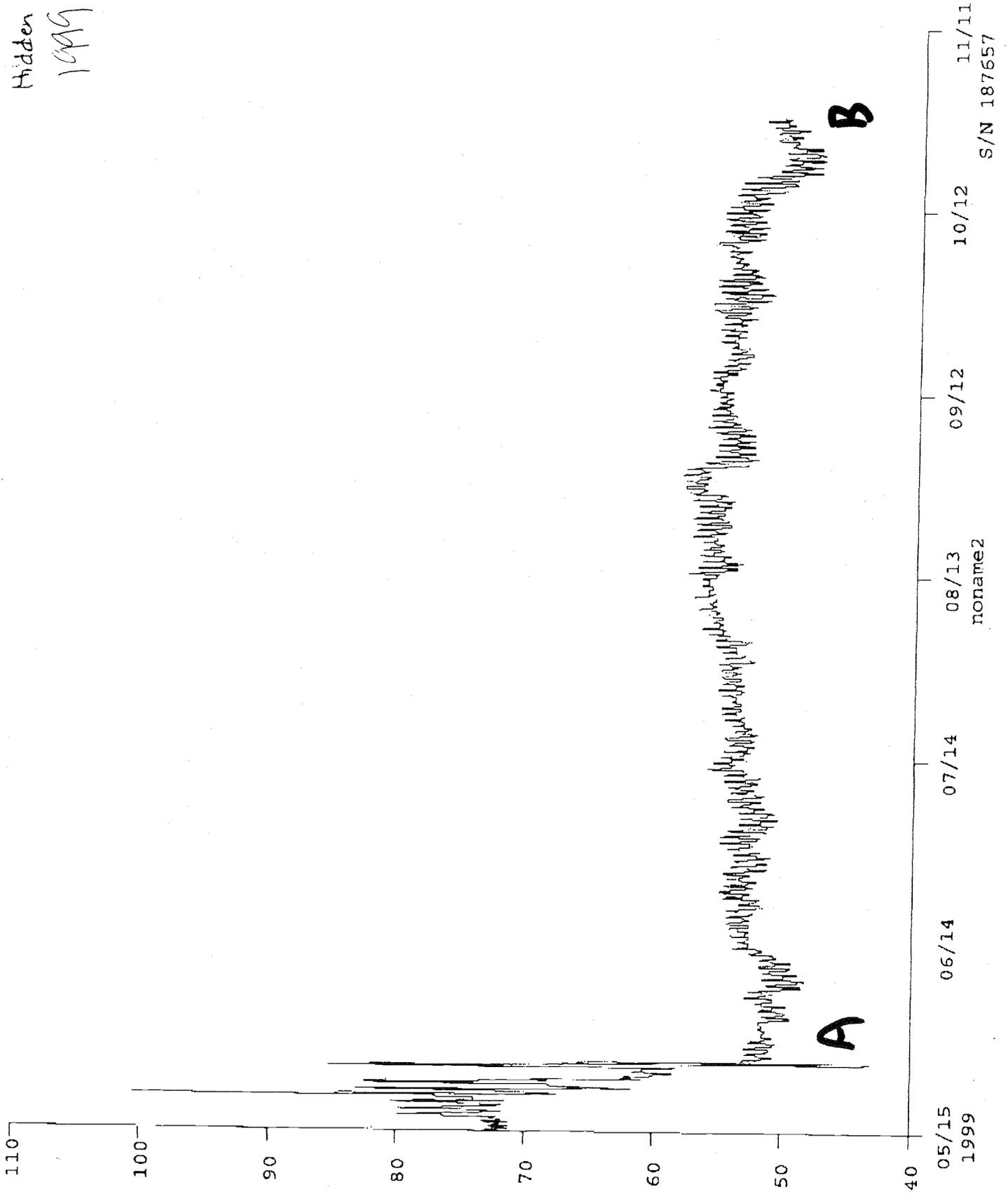


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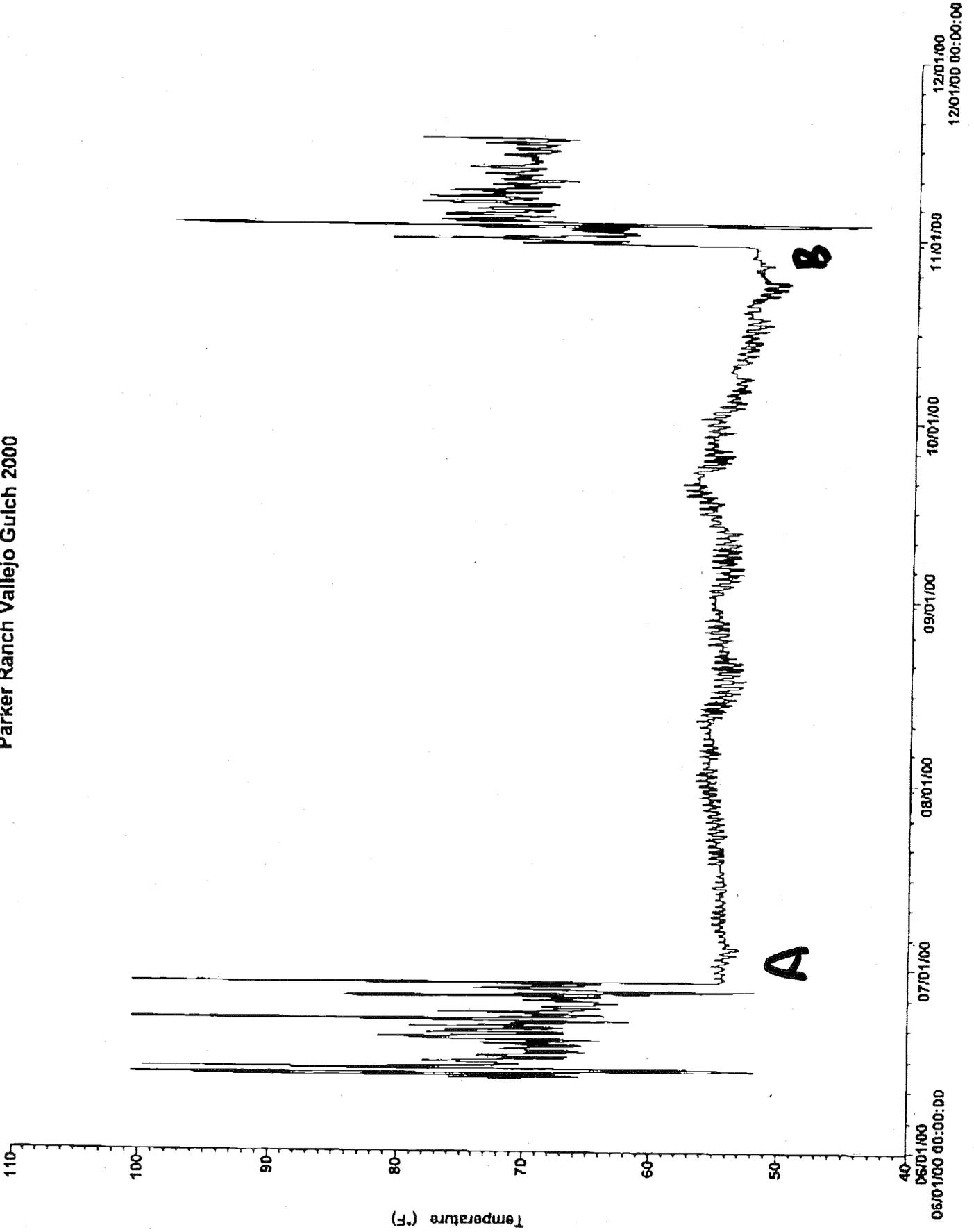
05/15 1999  
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11/11 S/N 187658

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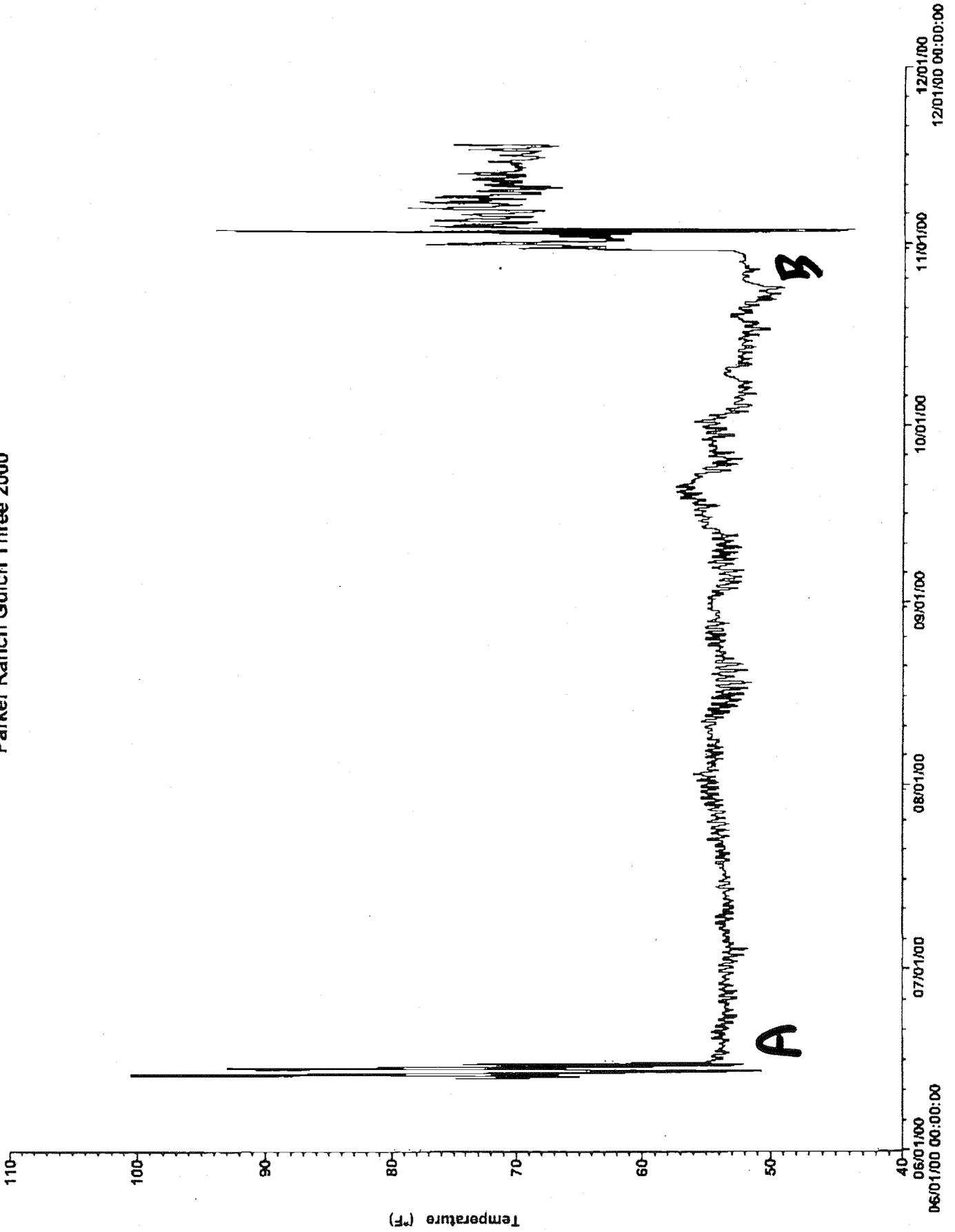


TEMPERATURE F

Parker Ranch Vallejo Gulch 2000

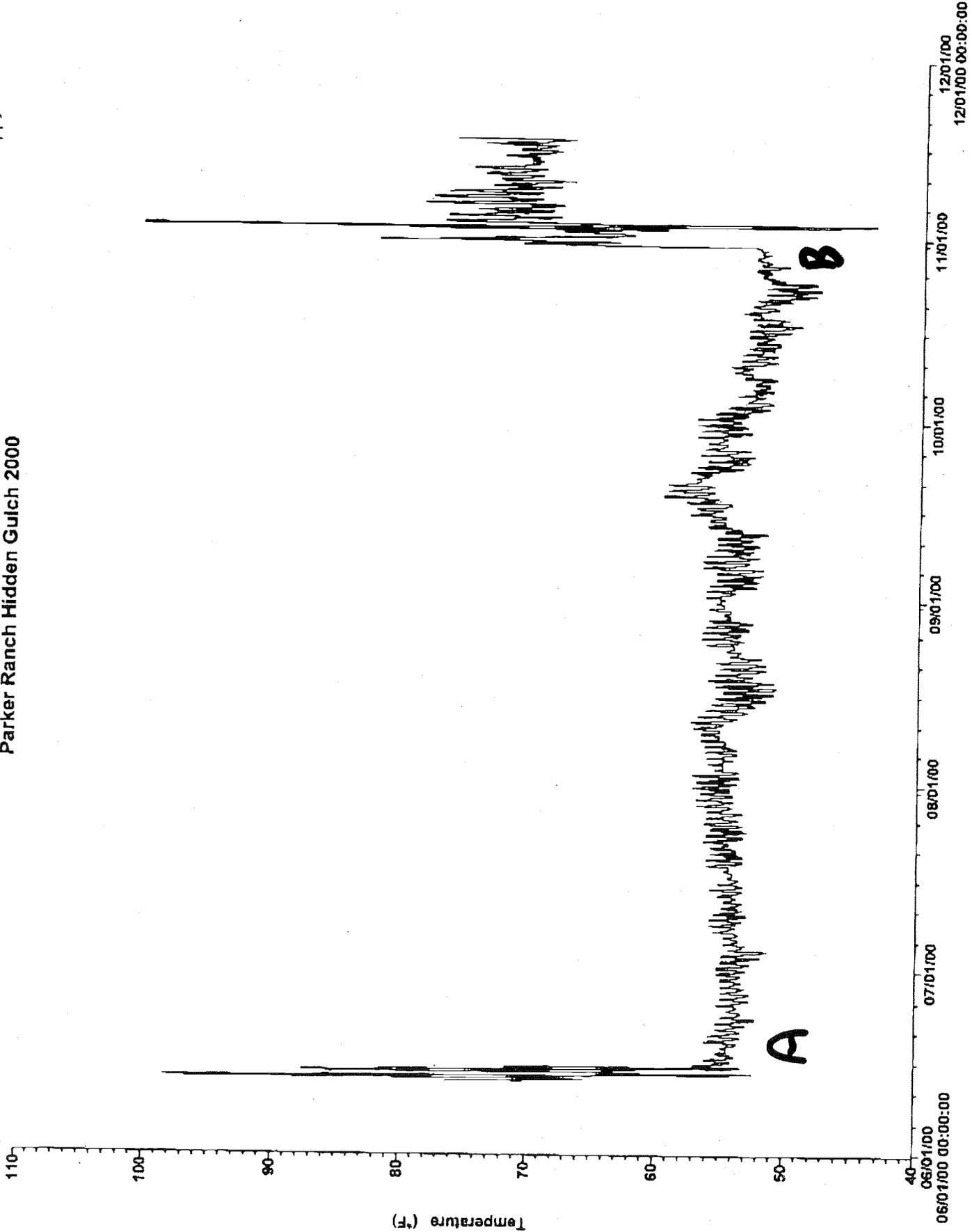


Parker Ranch Gulch Three 2000

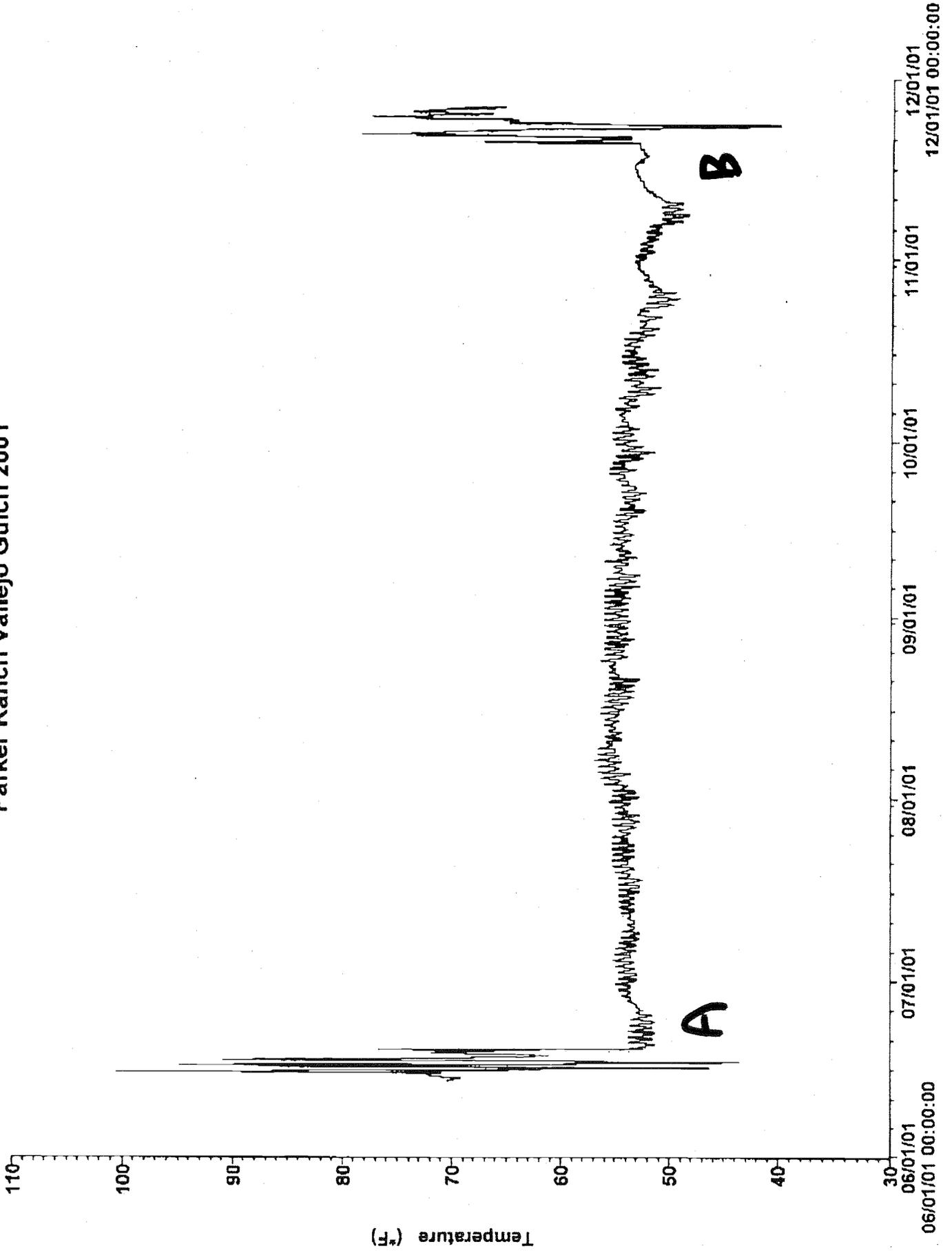


PARKER

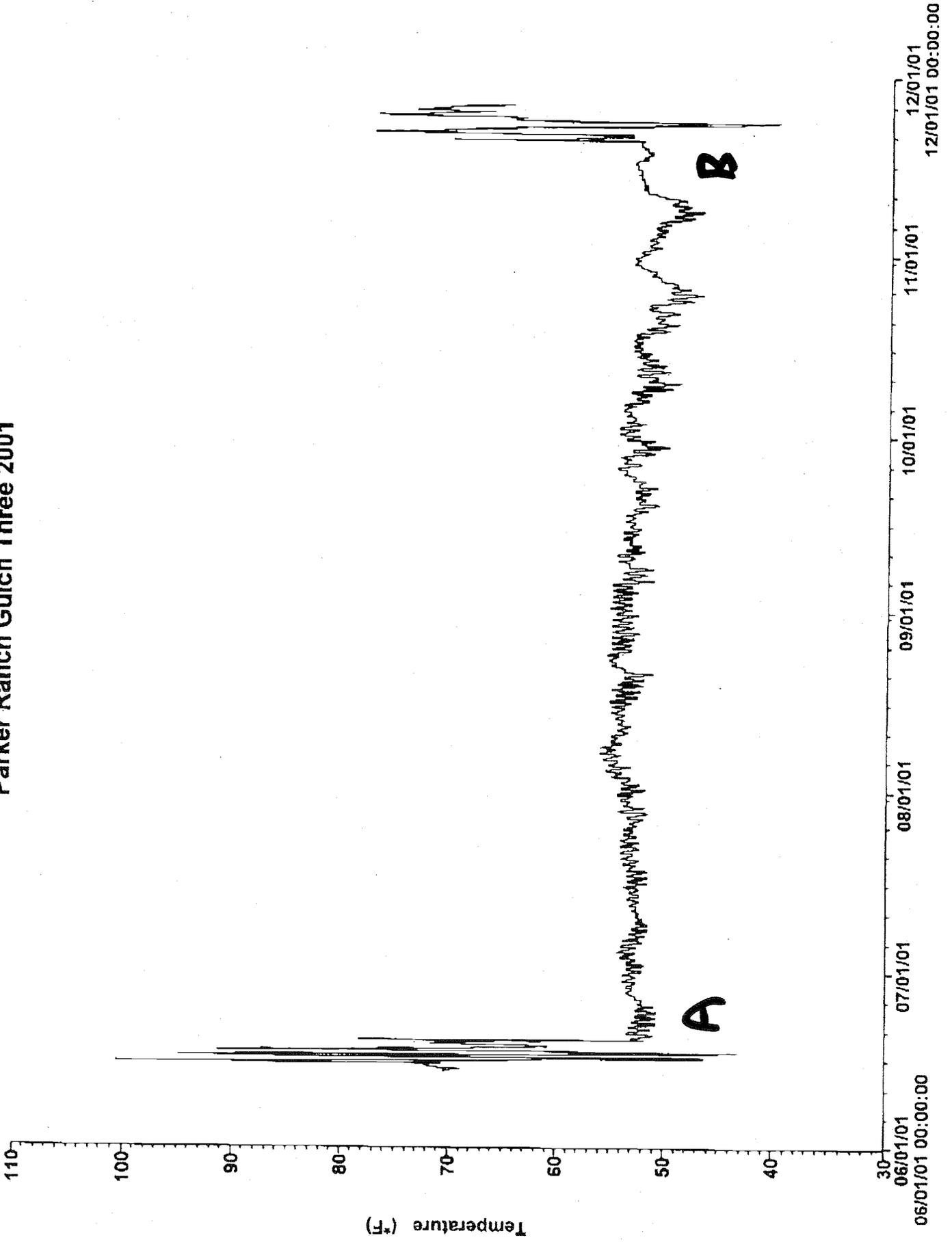
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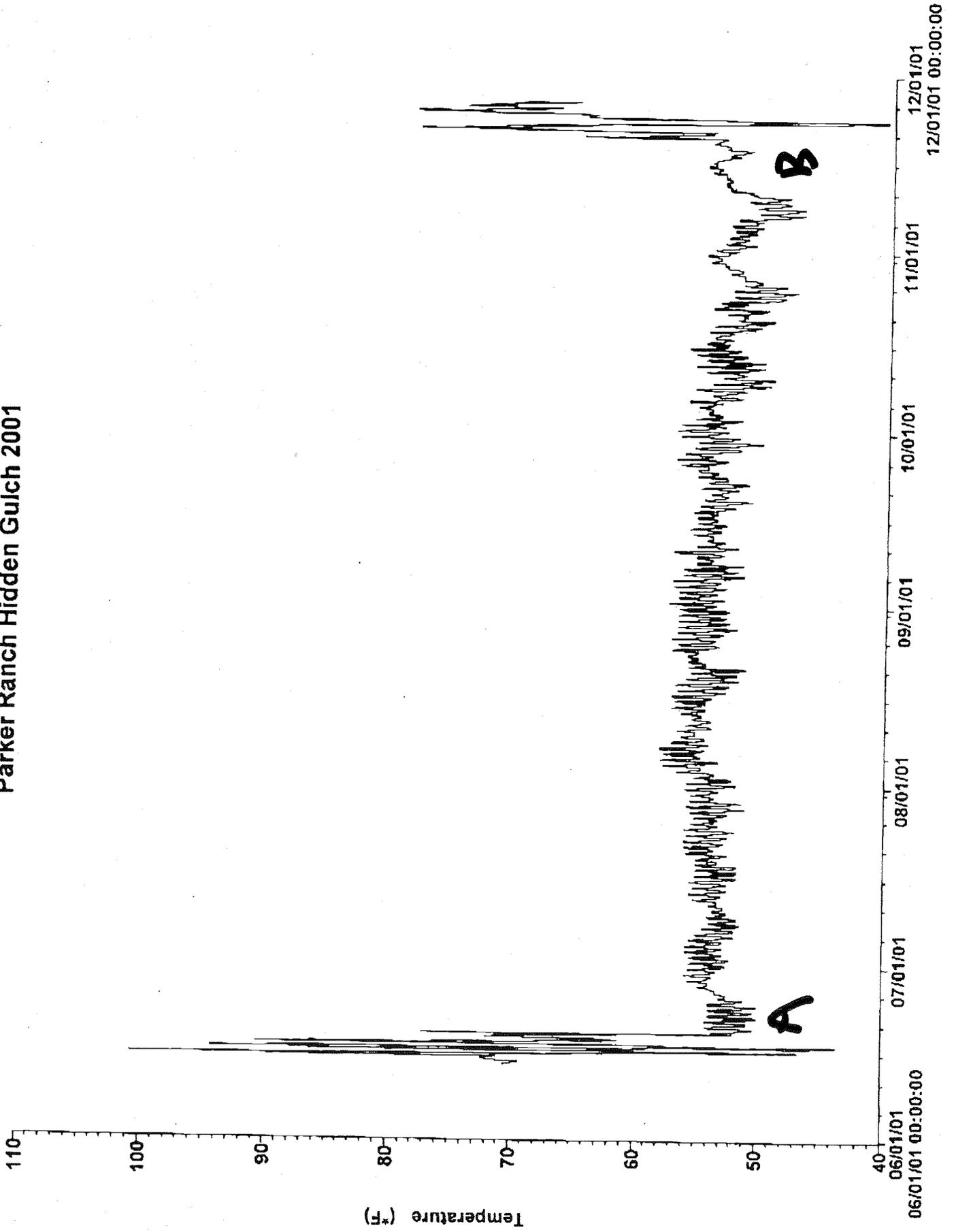
# Parker Ranch Vallejo Gulch 2001



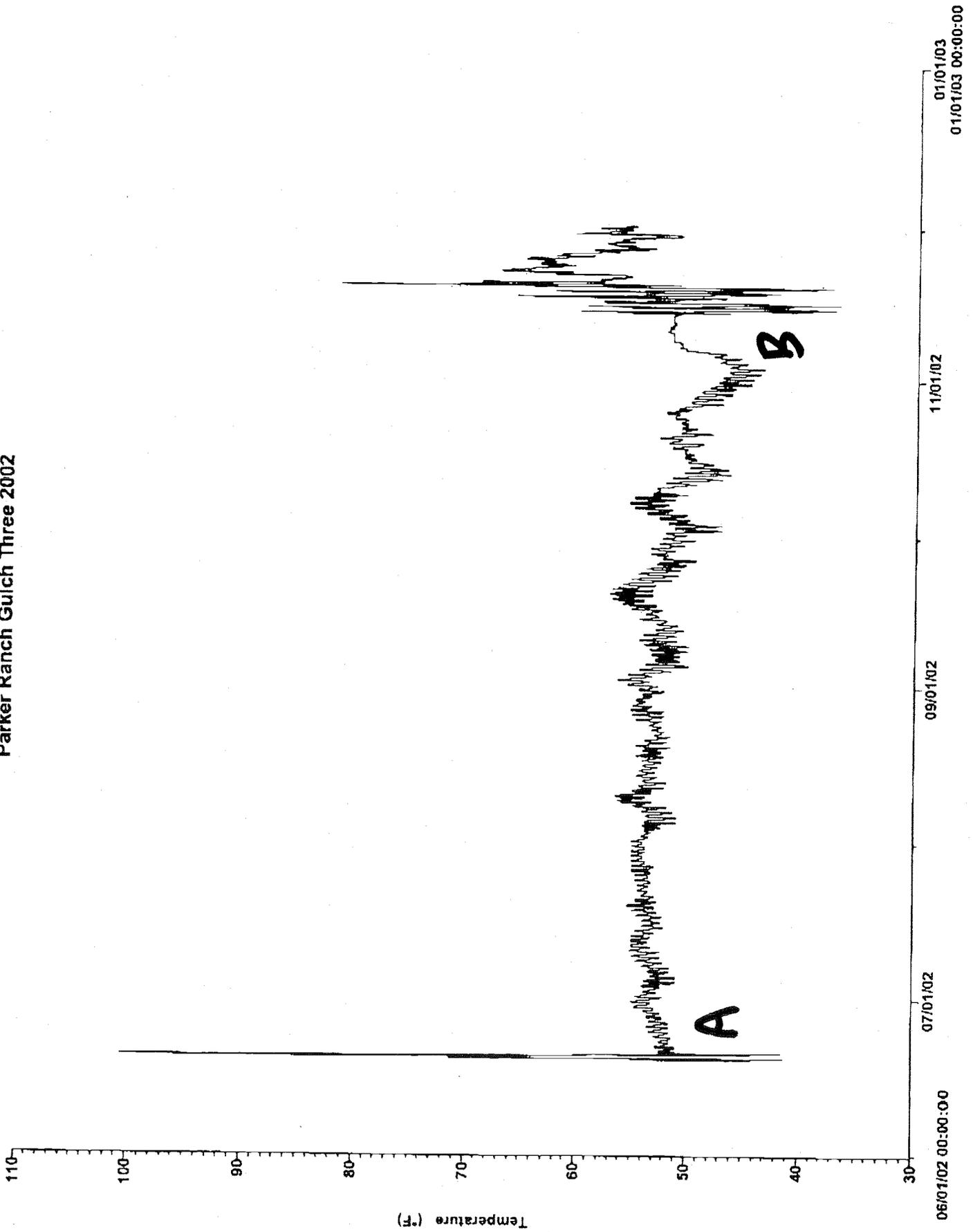
# Parker Ranch Gulch Three 2001



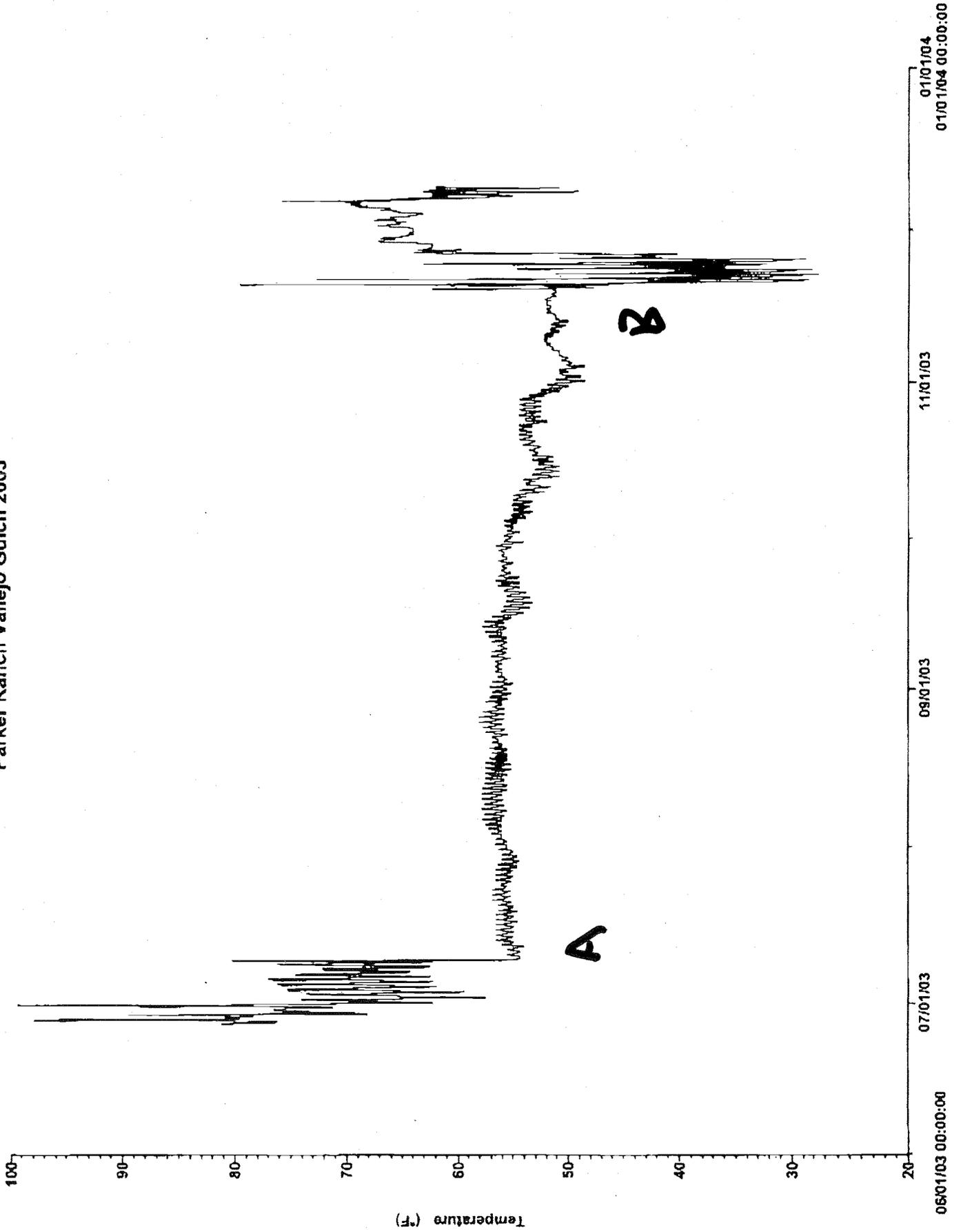
Parker Ranch Hidden Gulch 2001



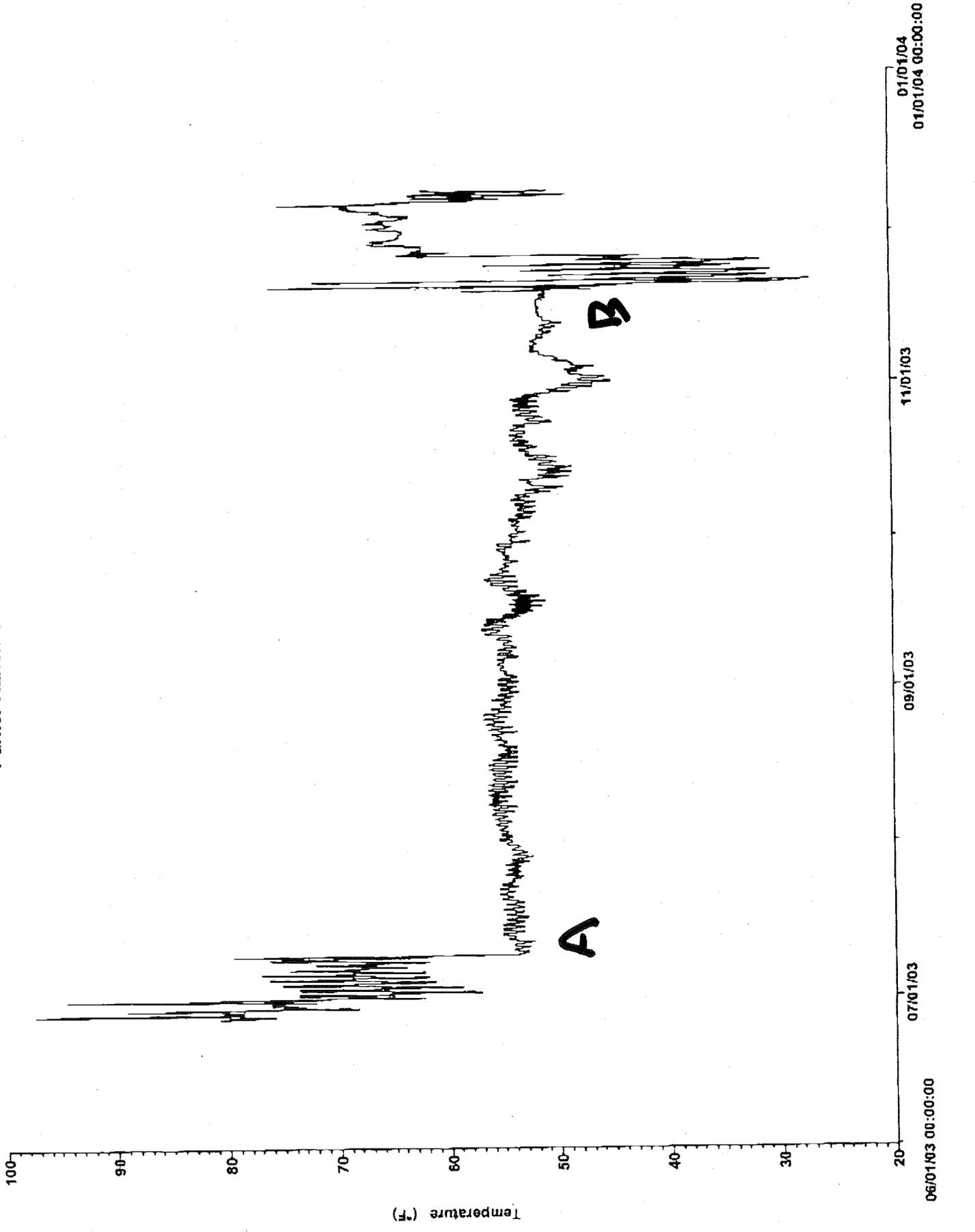
Parker Ranch Gulch Three 2002



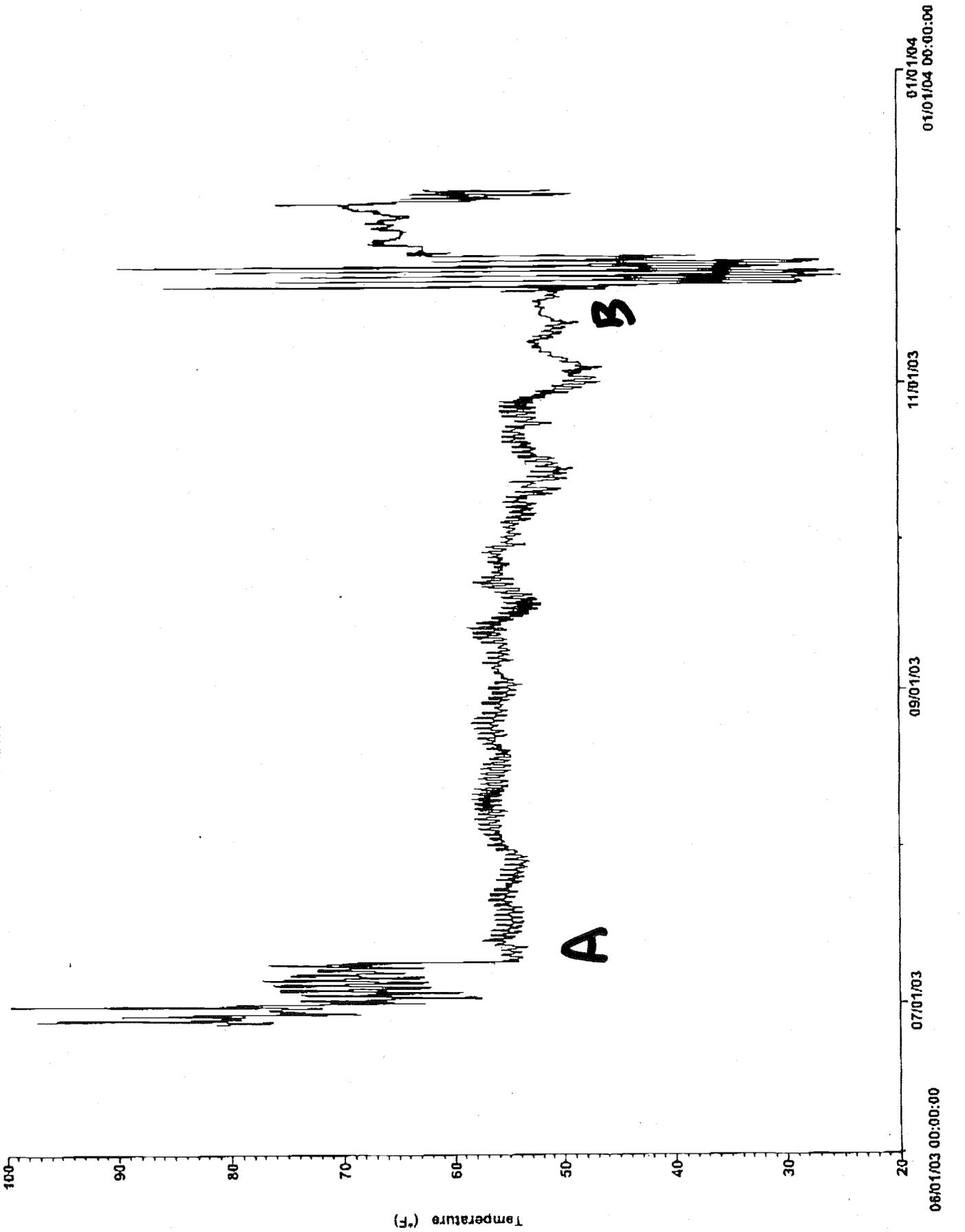
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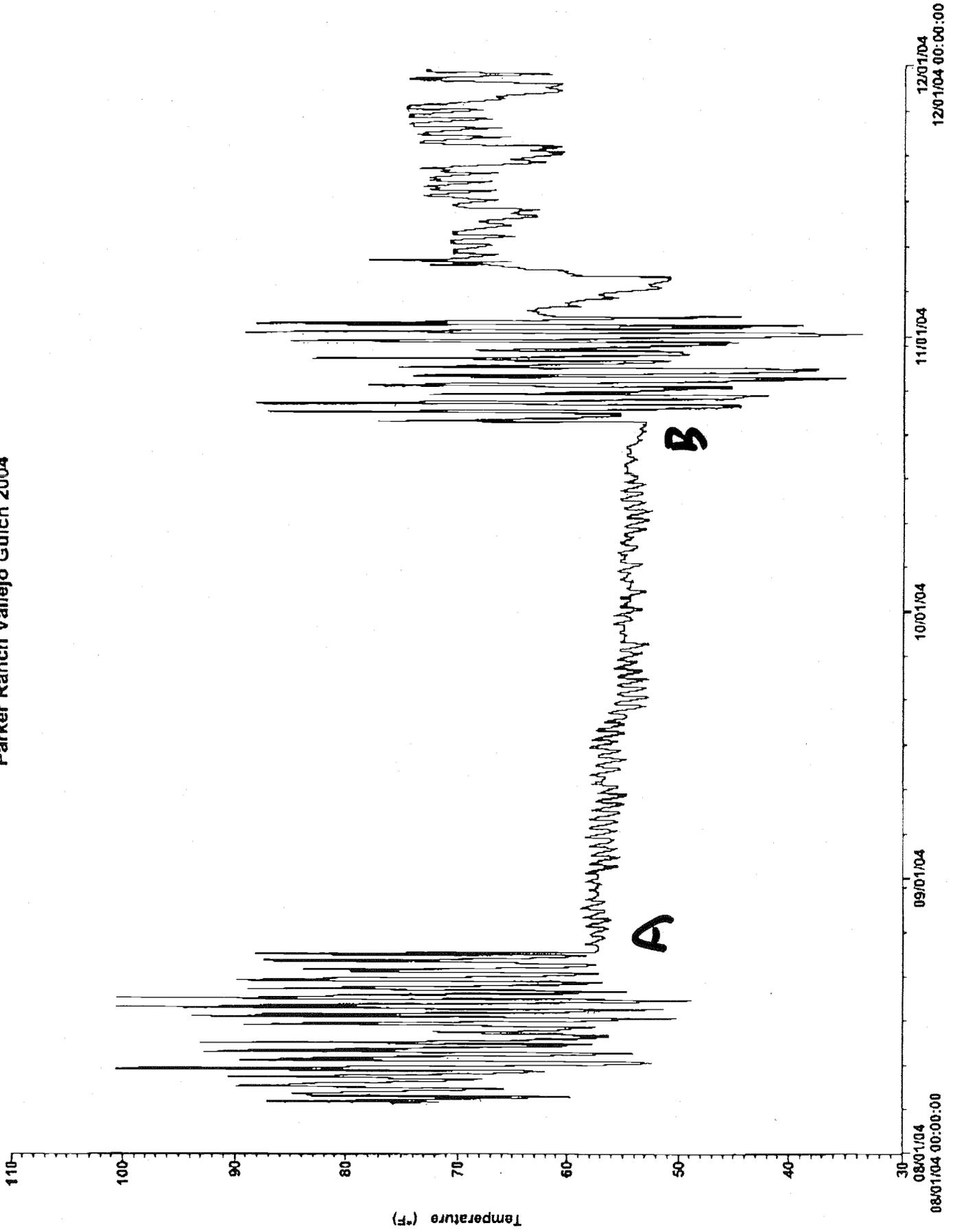
Parker Ranch Gulch Three 2003



Parker Ranch Hidden Gulch 2003

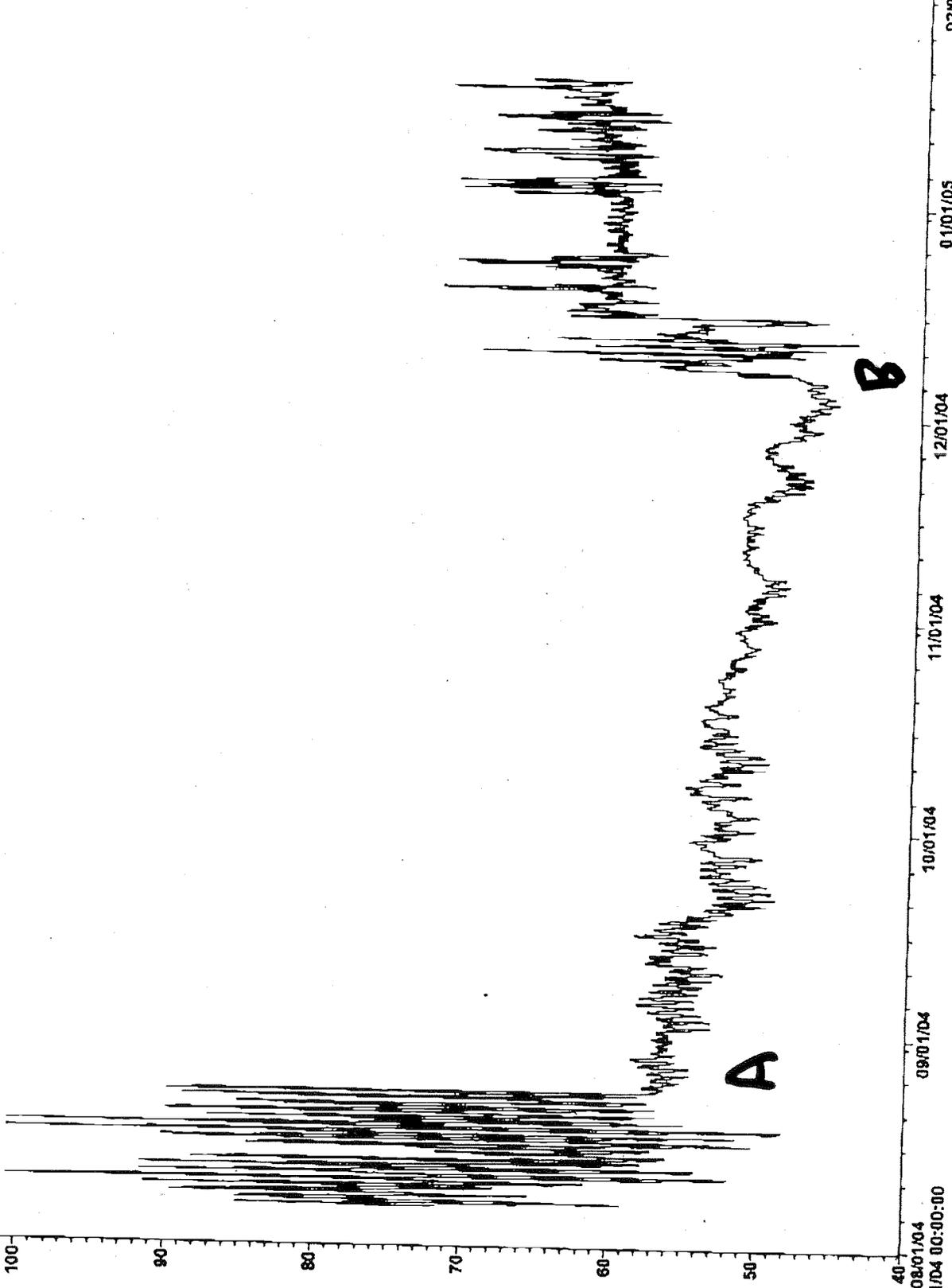


Parker Ranch Vallejo Gulch 2004



Parker Ranch Gulch Three 2004

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Temperature (F)



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08/01/04 00:00:00

09/01/04

10/01/04

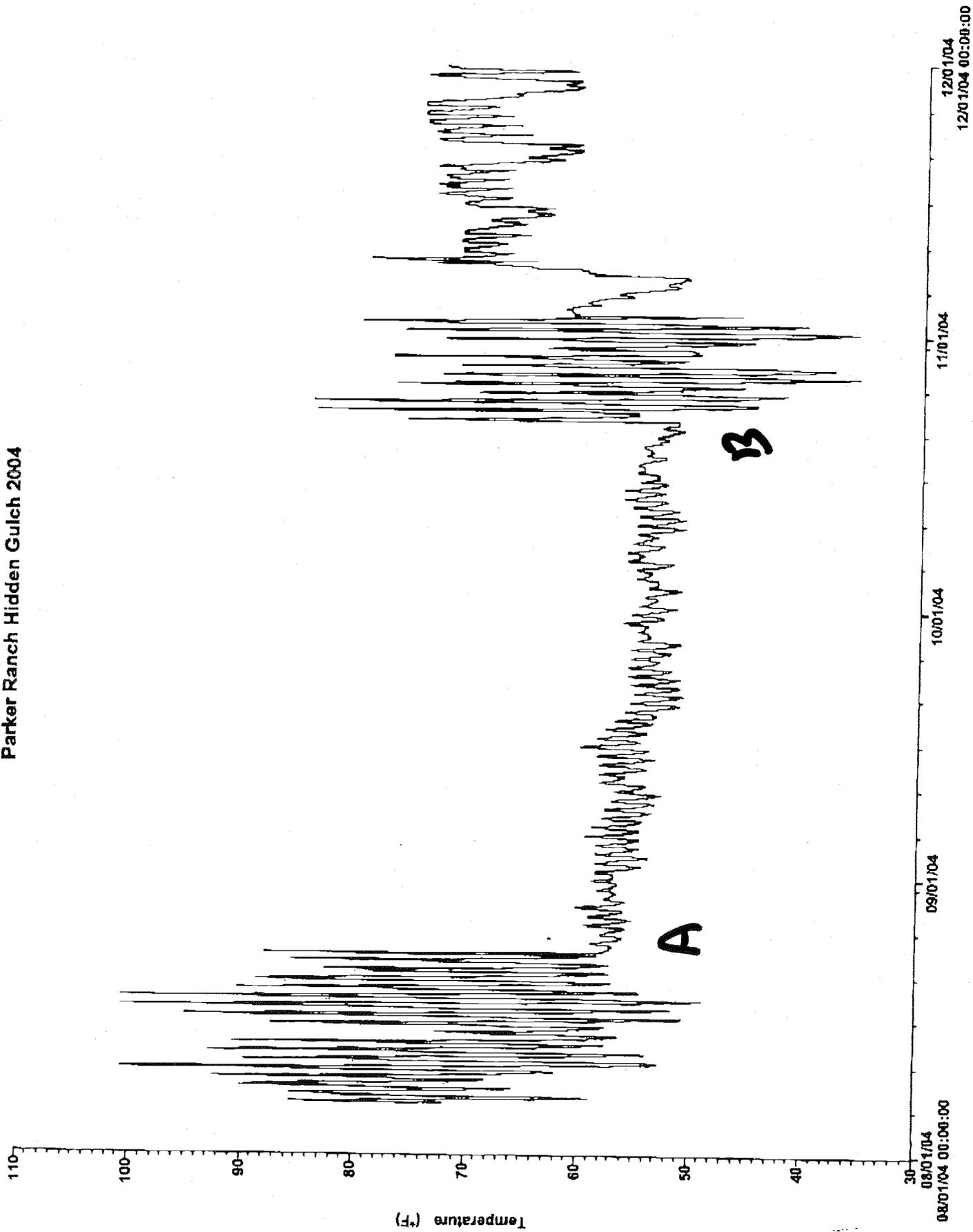
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12/01/04

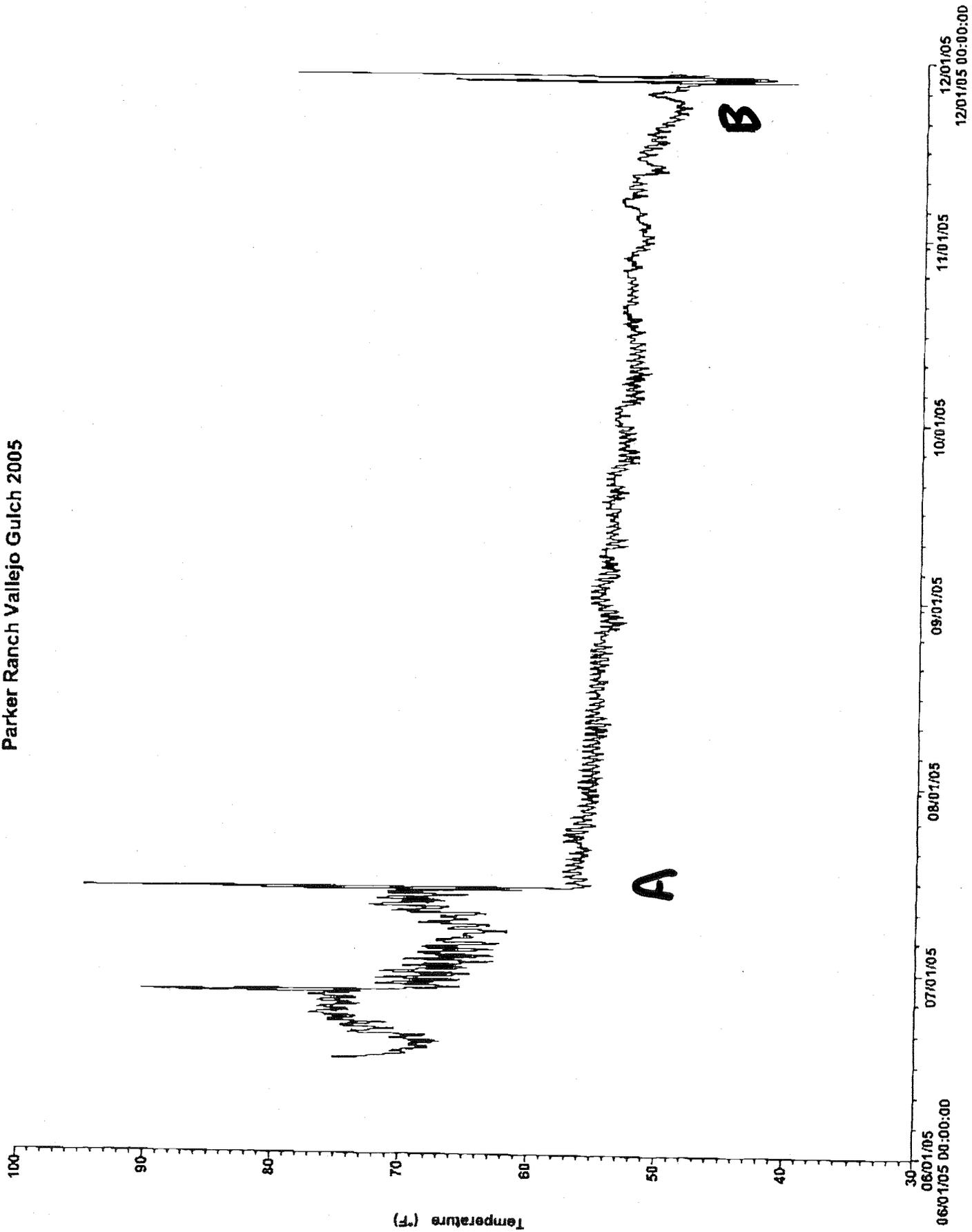
01/01/05

02/01/05 00:00:00

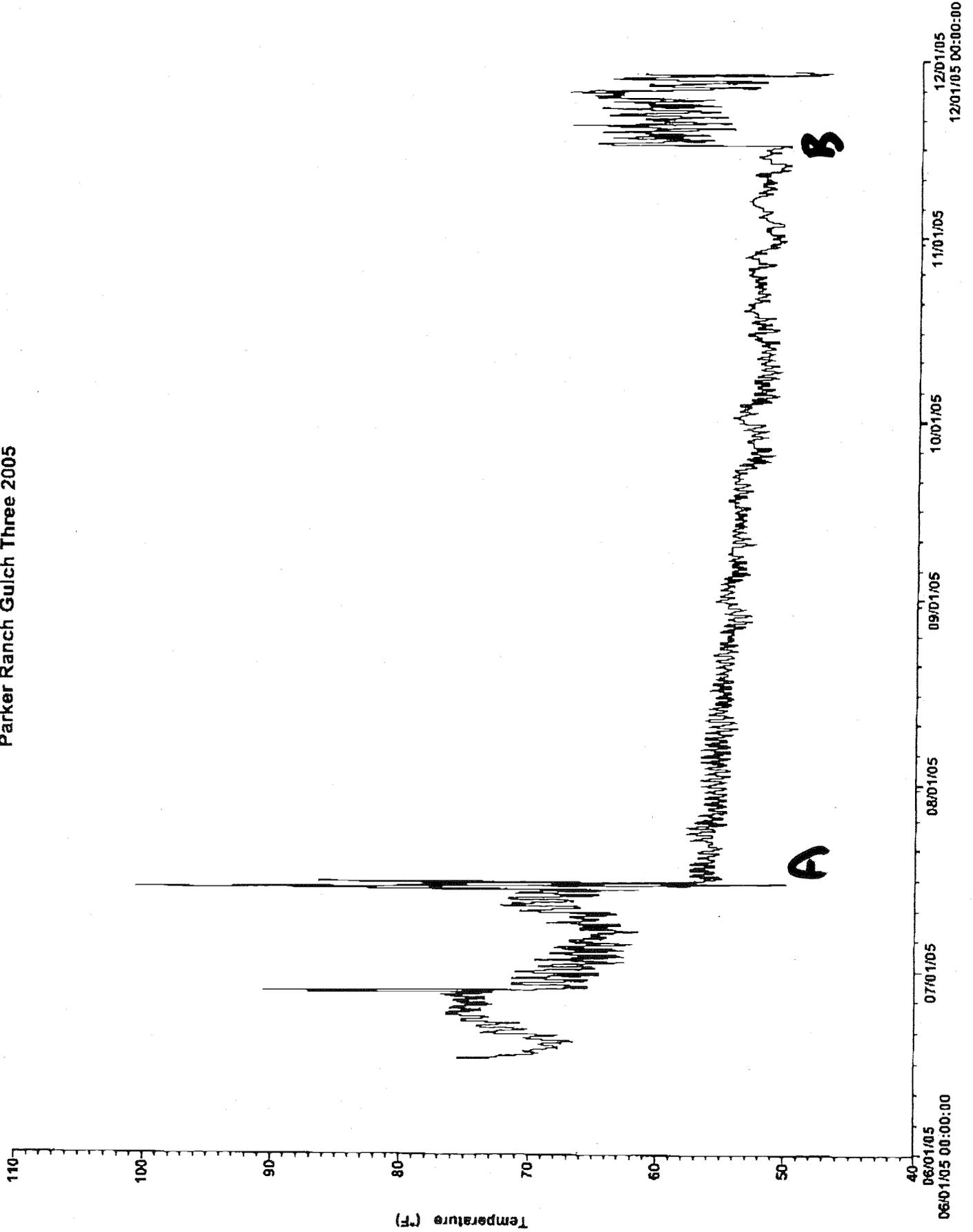
Parker Ranch Hidden Gulch 2004



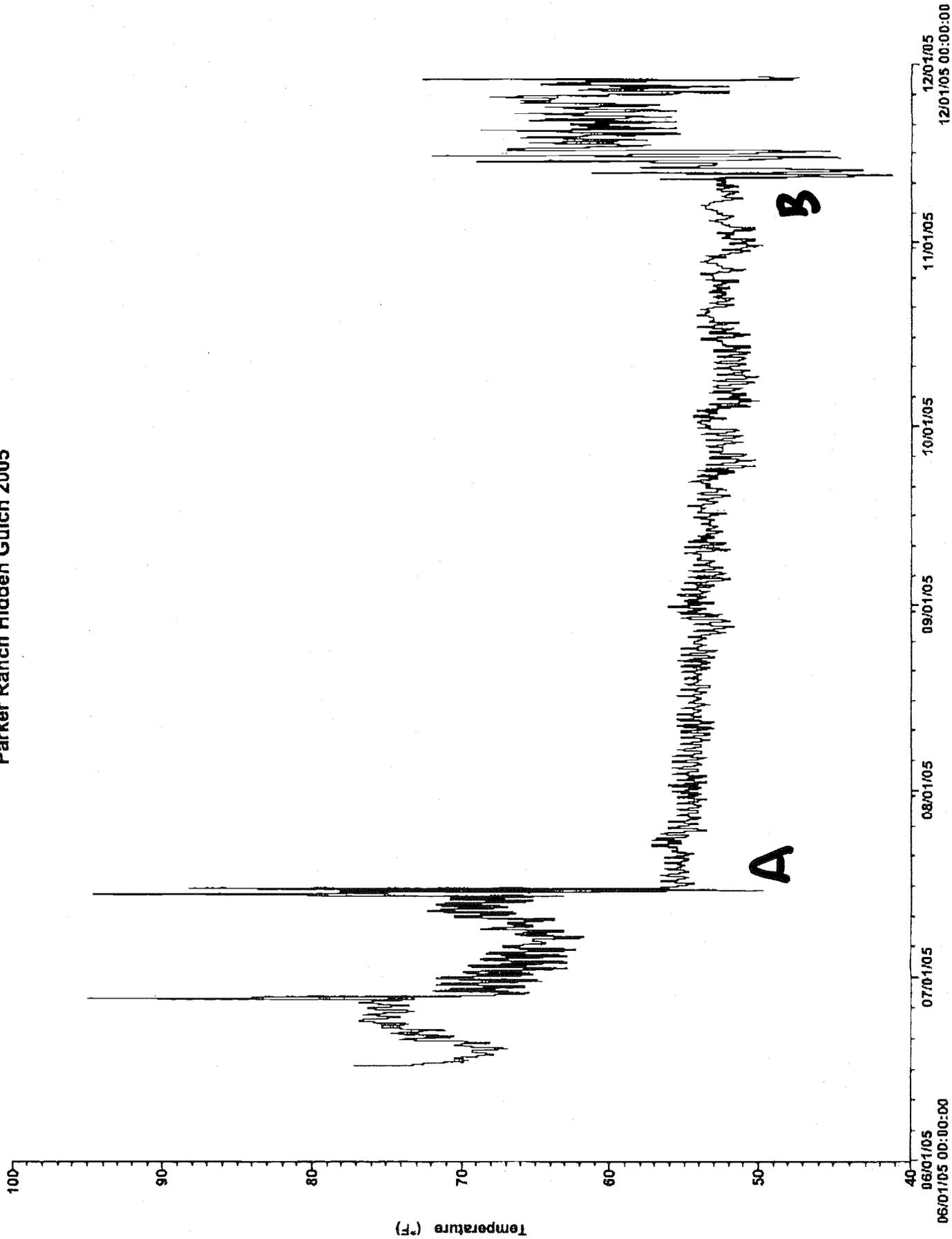
Parker Ranch Vallejo Gulch 2005



Parker Ranch Gulch Three 2005



Parker Ranch Hidden Gulch 2005



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PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On February 14, 2011, I served the below listed document(s) by mail on the parties in said action, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail at the offices of Somach Simmons & Dunn, addressed as set forth in the attached Service List.

As a courtesy, on February 14, 2011, I electronically transmitted the below listed document(s) to the person(s) at the electronic mailing addresses as set forth in the attached Service List.

**DECLARATION OF PETER PARKER  
IN RESPONSE TO REQUEST FOR SUPPLEMENTAL EVIDENCE**

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on February 14, 2011, at Sacramento, California.

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

**SERVICE LIST**  
**SWRCB/OCC Files A-2029, 2029(a) and 2029(b) consolidated**

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<p>Crawford Tuttle, Chief Deputy Director The California Department of Forestry and Fire Protection P.O. Box 944246 Sacramento, CA 94244-2460 Email: <a href="mailto:Crawford.tuttle@fire.ca.gov">Crawford.tuttle@fire.ca.gov</a></p>	<p>John W. Williams Forest Landowners of California 2300 Northpoint Parkway Santa Rosa, CA 95407 Email: <a href="mailto:jwilliams@eresourcesolutions.com">jwilliams@eresourcesolutions.com</a></p>
<p>Samantha Olson, Senior Staff Counsel Office of Chief Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:solson@waterboards.ca.gov">solson@waterboards.ca.gov</a></p>	<p>William Keye, Government Affairs Specialist Mr. Jason Popurko, President California Licensed Foresters Assoc. P.O. Box 39 Fort Bragg, CA 95437 Email: <a href="mailto:clfa@volcano.net">clfa@volcano.net</a></p>
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<p>Michael Lauffer, Chief Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:mlauffer@waterboards.ca.gov">mlauffer@waterboards.ca.gov</a></p>	<p>Randy Jacobszoon Association of Counseling Foresters of America, California Chapter P.O. Box 225 Redwood Valley, CA 95470 Email: <a href="mailto:forestry@pacific.net">forestry@pacific.net</a></p>
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<p>Catherine Kuhlman, Executive Officer California Regional Water Quality Control Board, North Coast Region 5550 Skylane Boulevard, Suite A Santa Rosa, CA 95403-1072 Email: <a href="mailto:ckuhlman@waterboards.ca.gov">ckuhlman@waterboards.ca.gov</a></p>	<p>Diane Colborn Water, Parks and Wildlife Committee California Assembly P.O. Box 942849 Sacramento, CA 94249 Email: <a href="mailto:diane.colborn@asm.ca.gov">diane.colborn@asm.ca.gov</a></p>
<p>Luis G. Rivera, Assistant Executive Officer California Regional Water Quality Control Board, North Coast Region 5550 Skylane Boulevard, Suite A Santa Rosa, CA 95403-1072 Email: <a href="mailto:lrivera@waterboards.ca.gov">lrivera@waterboards.ca.gov</a></p>	<p>Michele Dias, Vice President Legal and Environmental Affairs California Forestry Association 1215 K Street, Suite 1830 Sacramento, CA 95814 Email: <a href="mailto:micheled@cwo.com">micheled@cwo.com</a></p>
<p>James Burke, Engineering Geologist California Regional Water Quality Control Board, North Coast Region 5550 Skylane Boulevard, Suite A Santa Rosa, CA 95403-1072 Email: <a href="mailto:jburke@waterboards.ca.gov">jburke@waterboards.ca.gov</a></p>	<p>Lisa Weger Weger Interests, Ltd. 2742 Treetops Way Santa Rosa, CA 95404 Email: <a href="mailto:lisweger@sonic.net">lisweger@sonic.net</a></p>
	<p>Nan Deniston and Peter Parker Parker Ten Mile Ranch 1950 Primrose Drive South Pasadena, CA 91030 Email: <a href="mailto:ndeniston@earthlink.net">ndeniston@earthlink.net</a> <a href="mailto:ptparker@earthlink.net">ptparker@earthlink.net</a></p>
	<p>Peter Bradford Bradford Ranch P.O. Box 629 Boonville, CA 95415 Email: <a href="mailto:BradfordRanch@wildblue.net">BradfordRanch@wildblue.net</a></p>
	<p>Wayne and Joan Miller Miller Tree Farm 10 Highland Court Orinda, CA 94563 Email: <a href="mailto:Ernie2@aol.com">Ernie2@aol.com</a></p>
<p><u>Courtesy Copy:</u> Jeannette L. Bashaw, Legal Analyst Office of Chief Counsel State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: <a href="mailto:jbashaw@waterboards.ca.gov">jbashaw@waterboards.ca.gov</a></p>	<p>Eugenia Herr RPH Comptche Properties P.O. Box 446 Philo, CA 95466 Email: <a href="mailto:eandrherr@dishmail.net">eandrherr@dishmail.net</a></p>

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A Professional Corporation  
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DANIEL KELLY, ESQ. (SBN 215051)  
3 500 Capitol Mall, Suite 1000  
Sacramento, CA 95814  
4 Telephone: (916) 446-7979  
Facsimile: (916) 446-8199  
5 [tdunham@somachlaw.com](mailto:tdunham@somachlaw.com)

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

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 Files A-2029, A-2029(a)  
and A-2029(b)

DECLARATION OF LISA WEGER IN  
RESPONSE TO REQUEST FOR  
SUPPLEMENTAL EVIDENCE

15  
16 I, Lisa Weger, declare as follows:

- 17 1. I am a general partner in Weger Interests, Ltd.
- 18 2. I serve as the managing partner for Weger Interests, Ltd., and its timber harvest  
19 operations.
- 20 3. Weger Interests, Ltd., is a family limited partnership with property located in  
21 Mendocino County, California.
- 22 4. Weger Interests, Ltd., has an estimated 2,300 acres in Mendocino County that are  
23 subject to an approved Non-industrial Timber Management Plan (NTMP) from the California  
24 Department of Forestry and Fire Protection.
- 25 5. In 2000, Weger Interests, Ltd., agreed to voluntarily participate in the Mendocino  
26 County Stream Temperature Monitoring Program through the University of California Office of  
27 Cooperative Extension, Mendocino County, California.
- 28

1           6.       In conjunction with the Mendocino County Stream Temperature Monitoring  
2 Program and as part of its ongoing timber management operations, Weger Interests, Ltd.,  
3 collected stream temperature monitoring data from 2000-2010 for three streams: Dark Gulch,  
4 Soda Creek, and Cody Creek.<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.       Most of the area around the western portion of Dark Gulch was selectively  
17 harvested in 2003, and a small area around the headwaters was selectively harvested in 2004.  
18 Both selective harvest operations were conducted pursuant to the Weger Interests, Ltd.'s NTMP.

19          12.       Portions of the area directly around Soda Creek were selectively harvested under a  
20 Timber Harvest Plan (THP) in 1998-1999, and an area north of Soda Creek was selectively  
21 harvested in 2007 and 2009 pursuant to the Weger Interests, Ltd.'s NTMP. The Soda Creek  
22 watershed was burned extensively by wildfires in 2008. Selective salvage logging occurred south  
23 of the creek in 2009 and continued into 2010.

24          13.       Much of the area directly around Cody Creek was selectively harvested under a  
25 THP in 2000 and 2001. The northern portion was selectively harvested in 2002 under the Weger  
26 Interests, Ltd.'s NTMP.

27 \_\_\_\_\_  
28 <sup>1</sup> Please note that no data loggers were installed in 2006 or 2008, therefore no data is available for those two years. Further, no data is available for Cody Creek for 2009 due to probe malfunction. All probes were replaced in 2010.

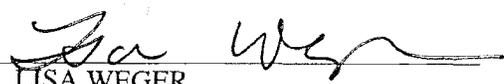
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14. Exhibit A attached hereto is a true and correct copy of stream temperature data collected on property owned and operated by Weger Interests, Ltd., as downloaded by the University of California Office of Cooperative Extension in Mendocino County, and as provided to Weger Interests, Ltd., by the University of California Office of Cooperative Extension in Mendocino County.

15. Exhibit B attached hereto is a true and correct copy of a letter from Daniel G. Cohoon, a registered professional forester, to the Regional Water Board that includes cost estimates with respect to development of erosion control plans, which are being required by the Regional Water Board in the Categorical Waiver of Waste Discharge Requirements for Timber Harvesting Activities on Non-Federal Lands in the North Coast Region (Categorical Waiver) through Order No. R1-2009-0038.

16. Exhibit C attached hereto is a true and correct copy of a questionnaire with responses in italics from Craig Blencowe, a registered professional forester, to the Regional Water Board that includes cost estimates with respect to questions specifically asked by the Regional Water Board.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11<sup>th</sup> day of February 2011, at Santa Rosa, California.

  
LISA WEGER

Weger - Dark Gulch

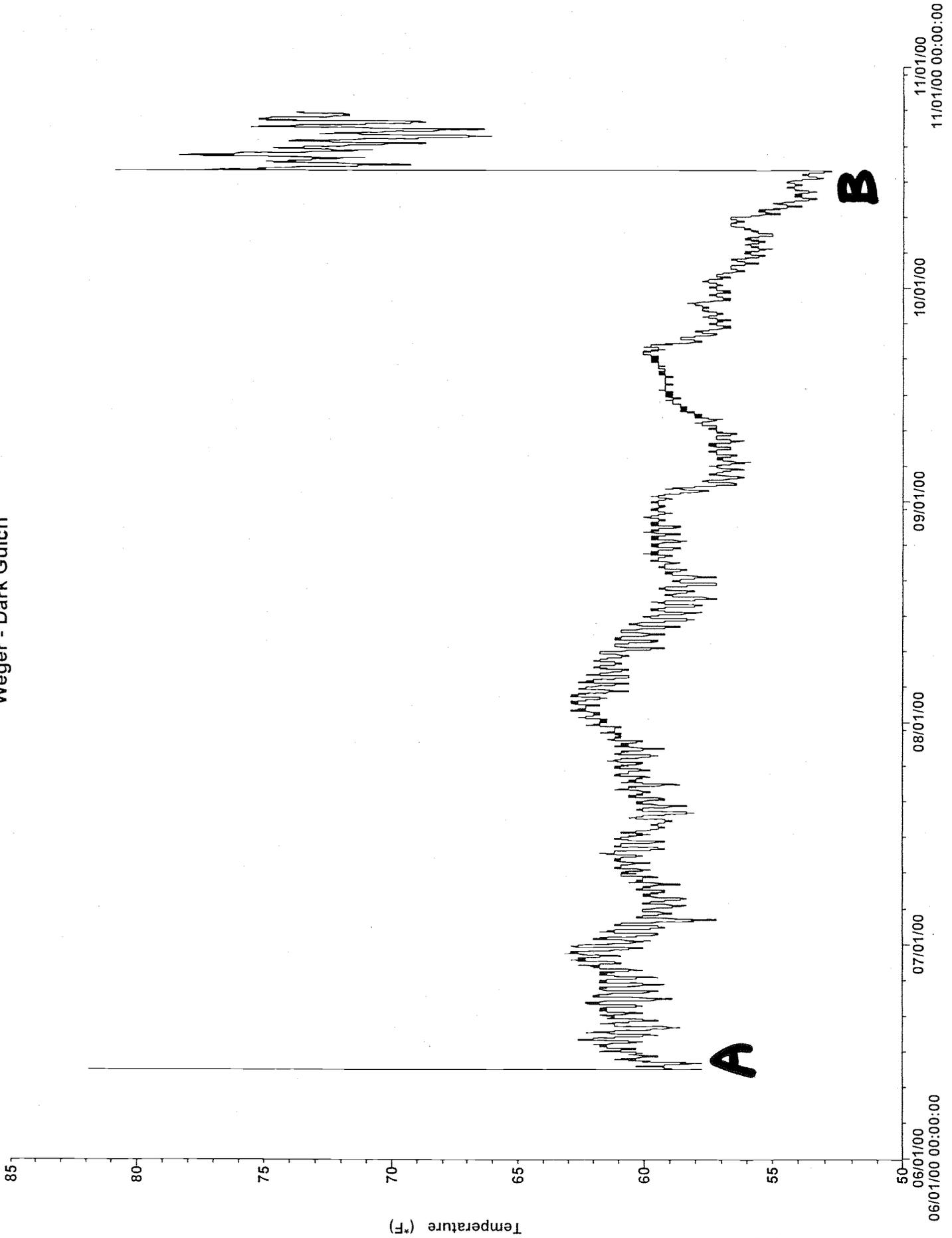
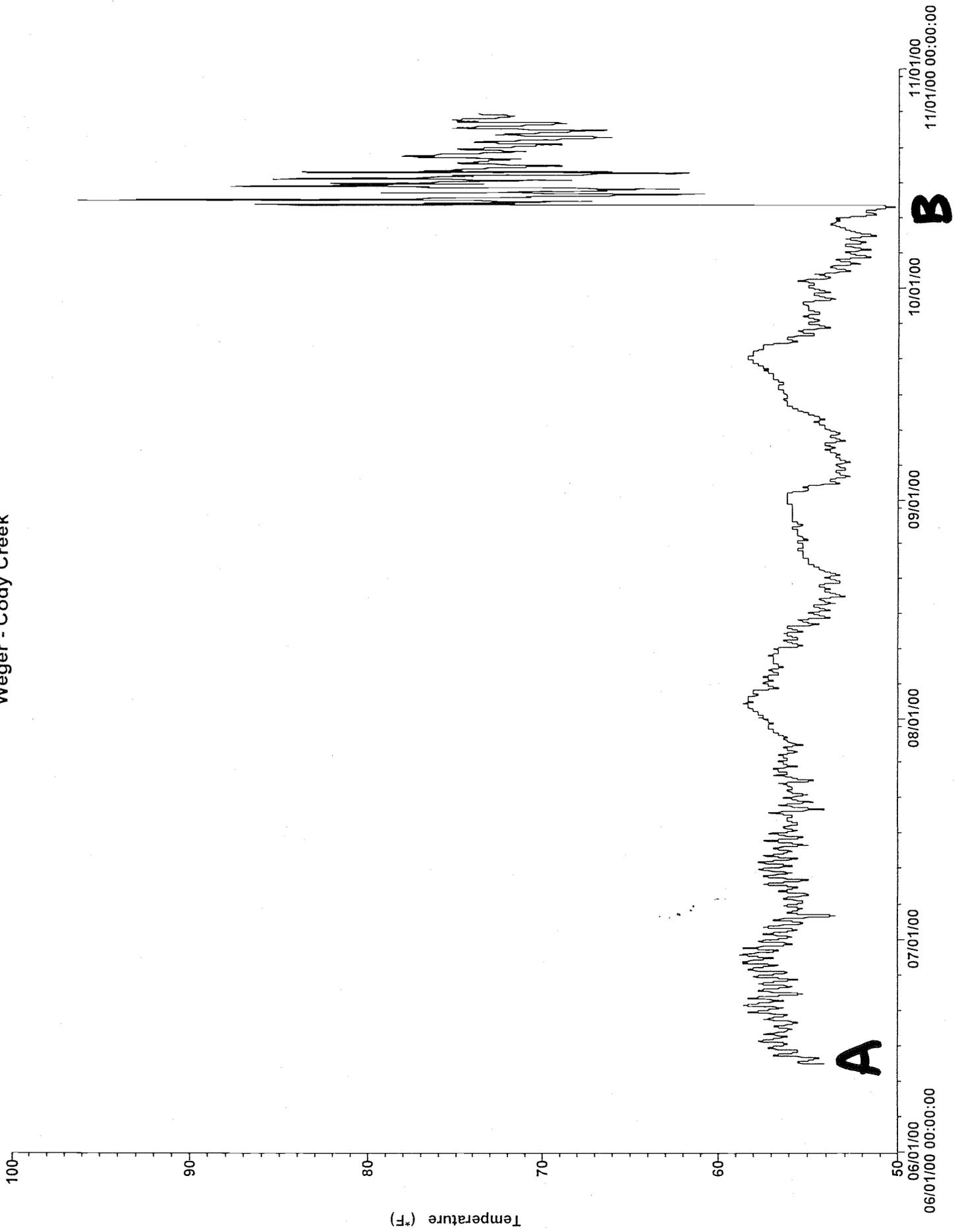


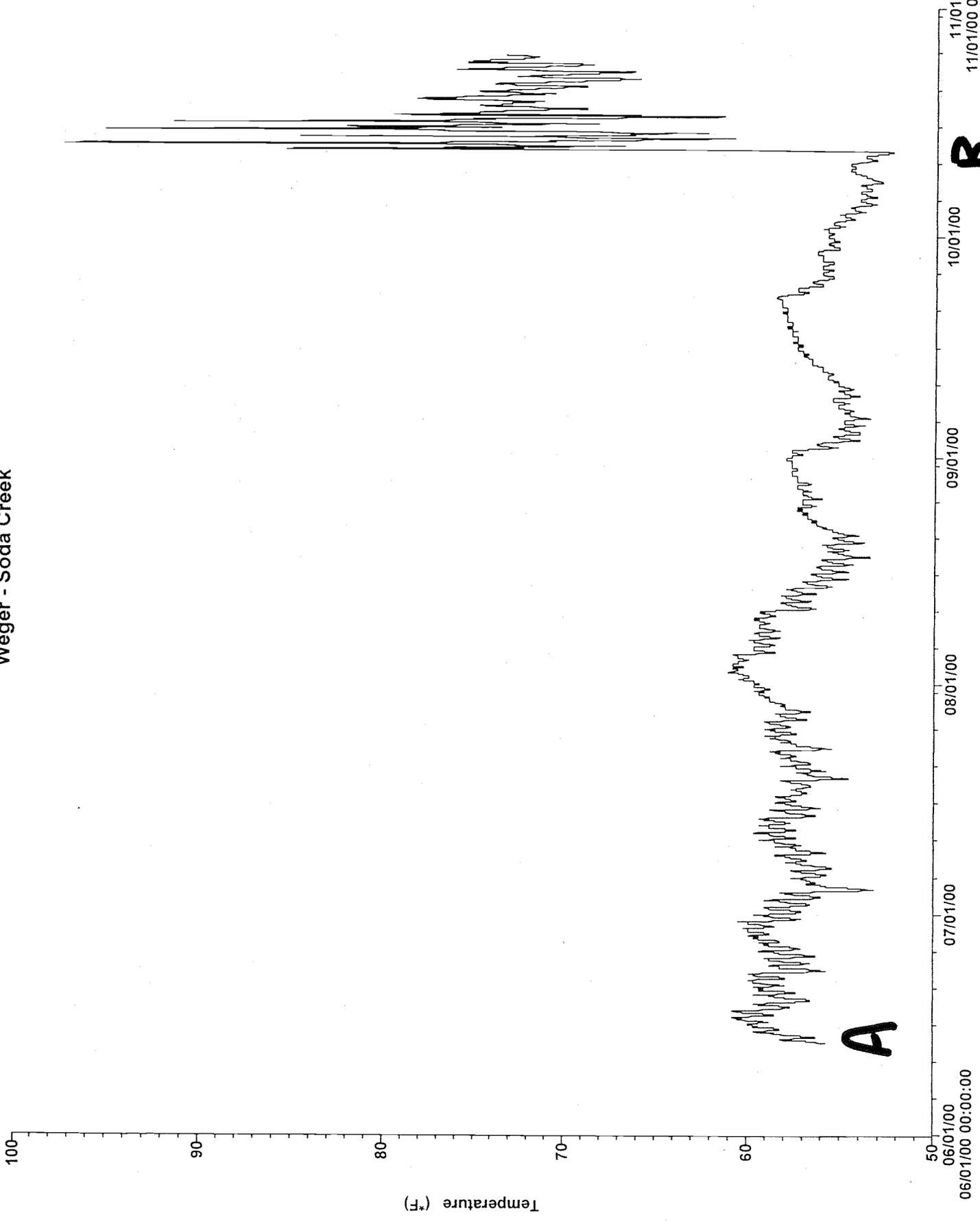
EXHIBIT A

Weger - Cody Creek



2000

# Weger - Soda Creek



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**B**

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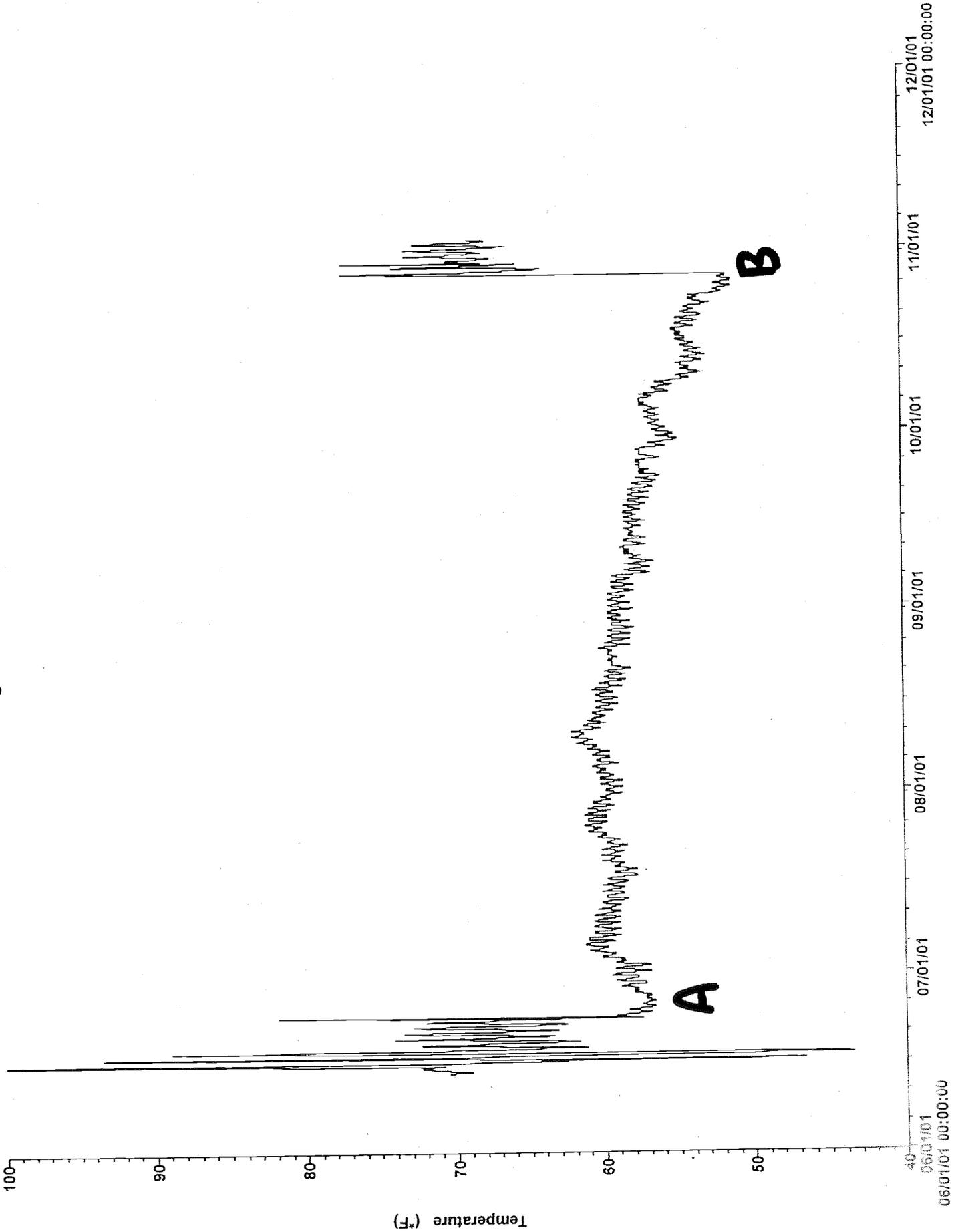
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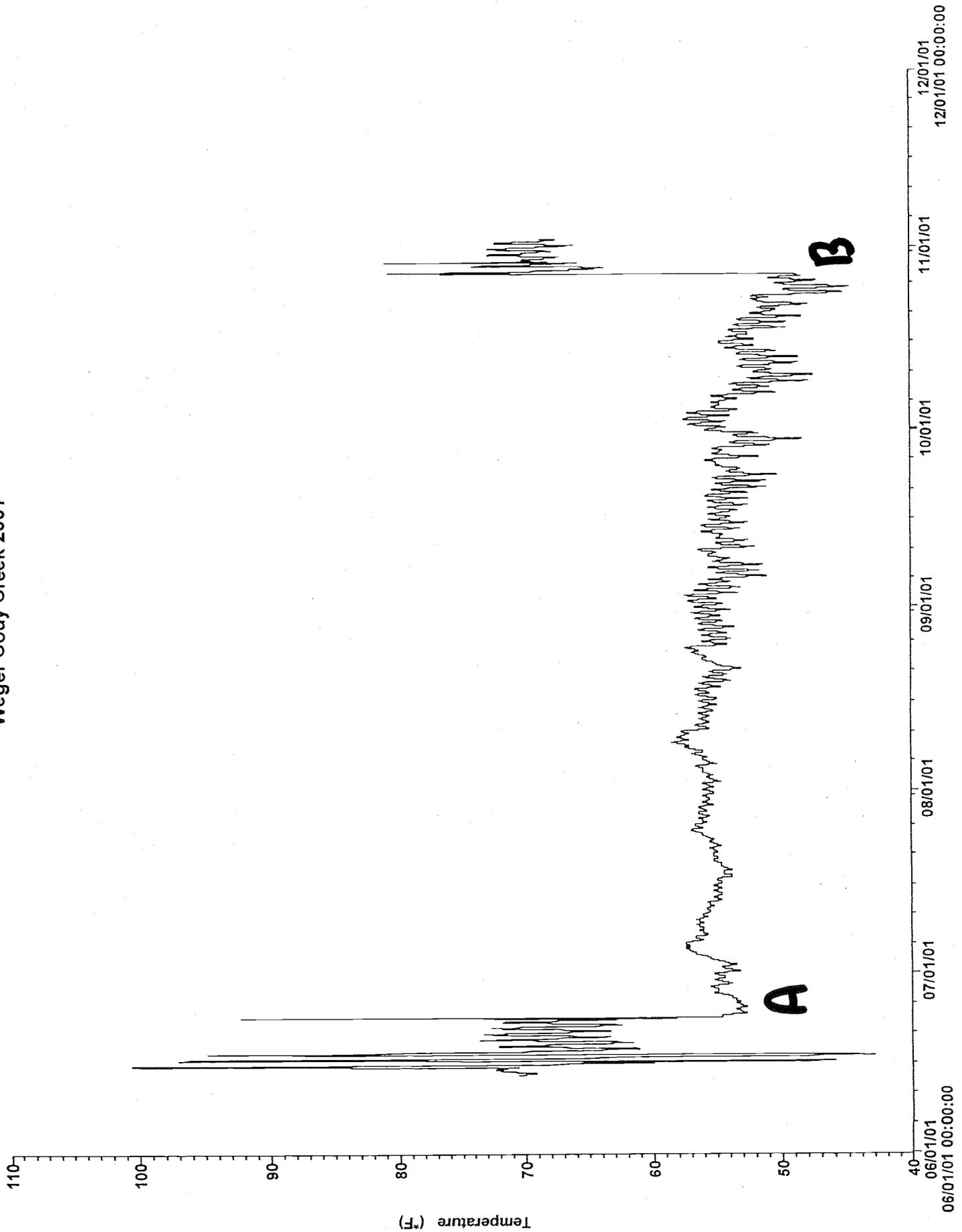
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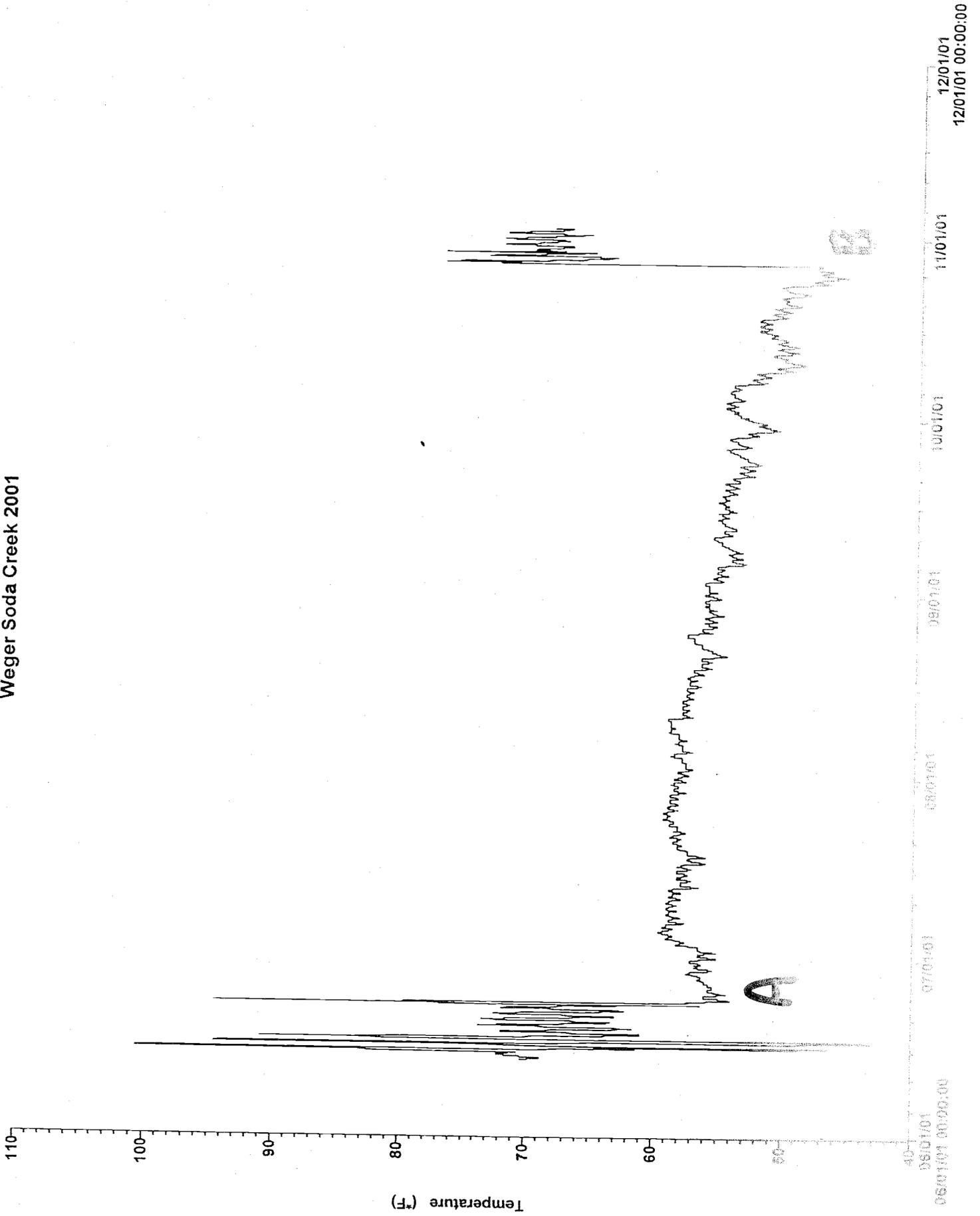
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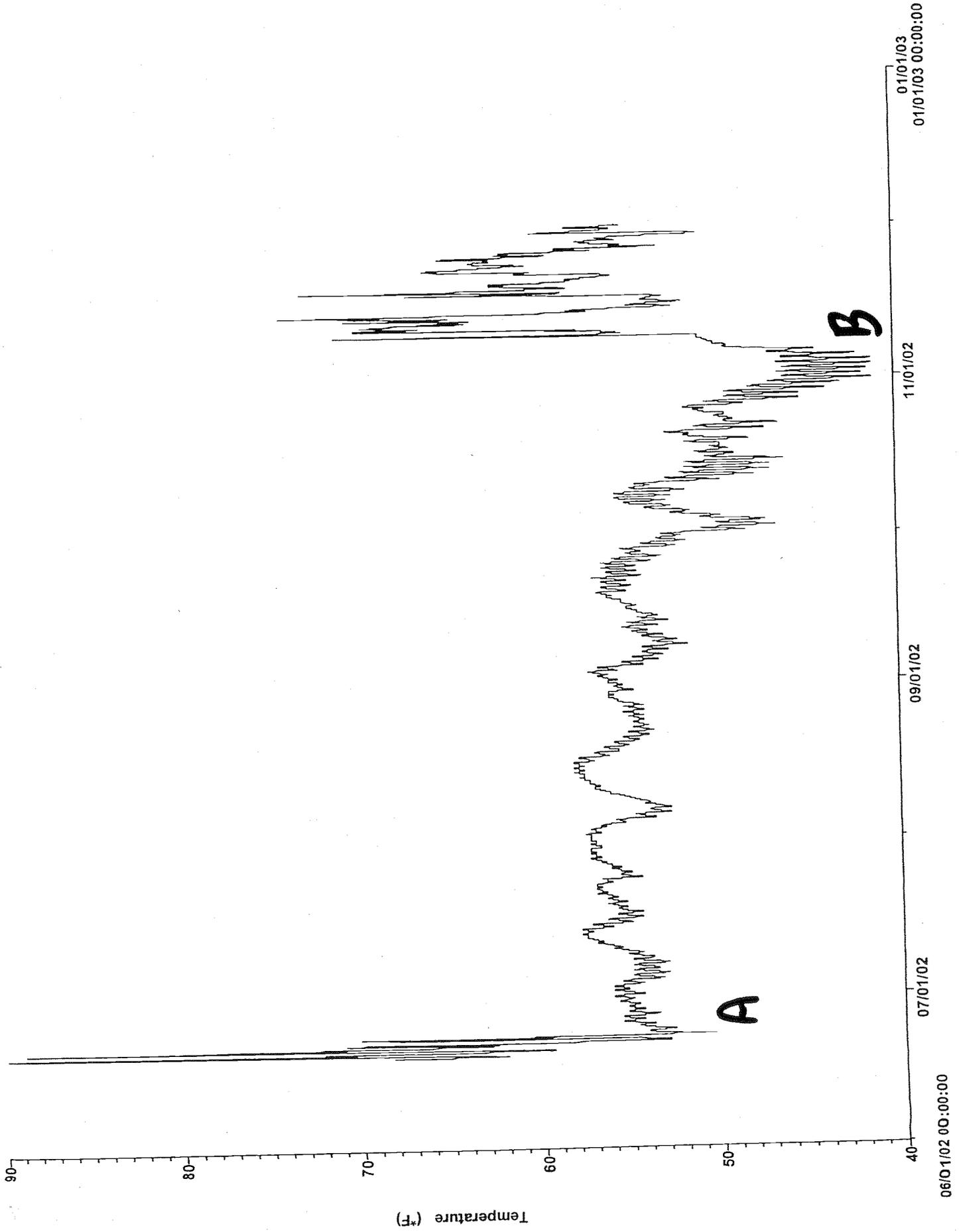
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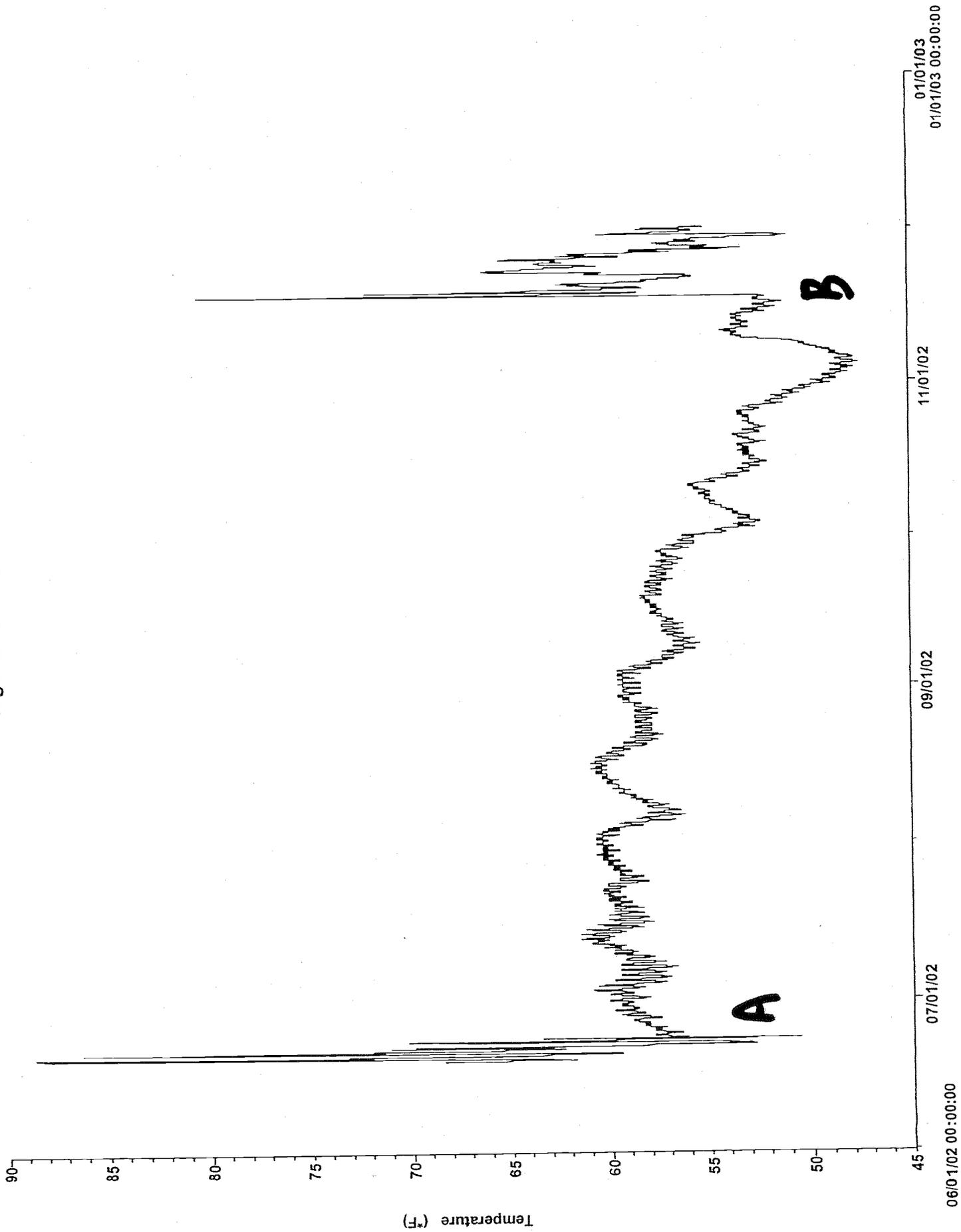
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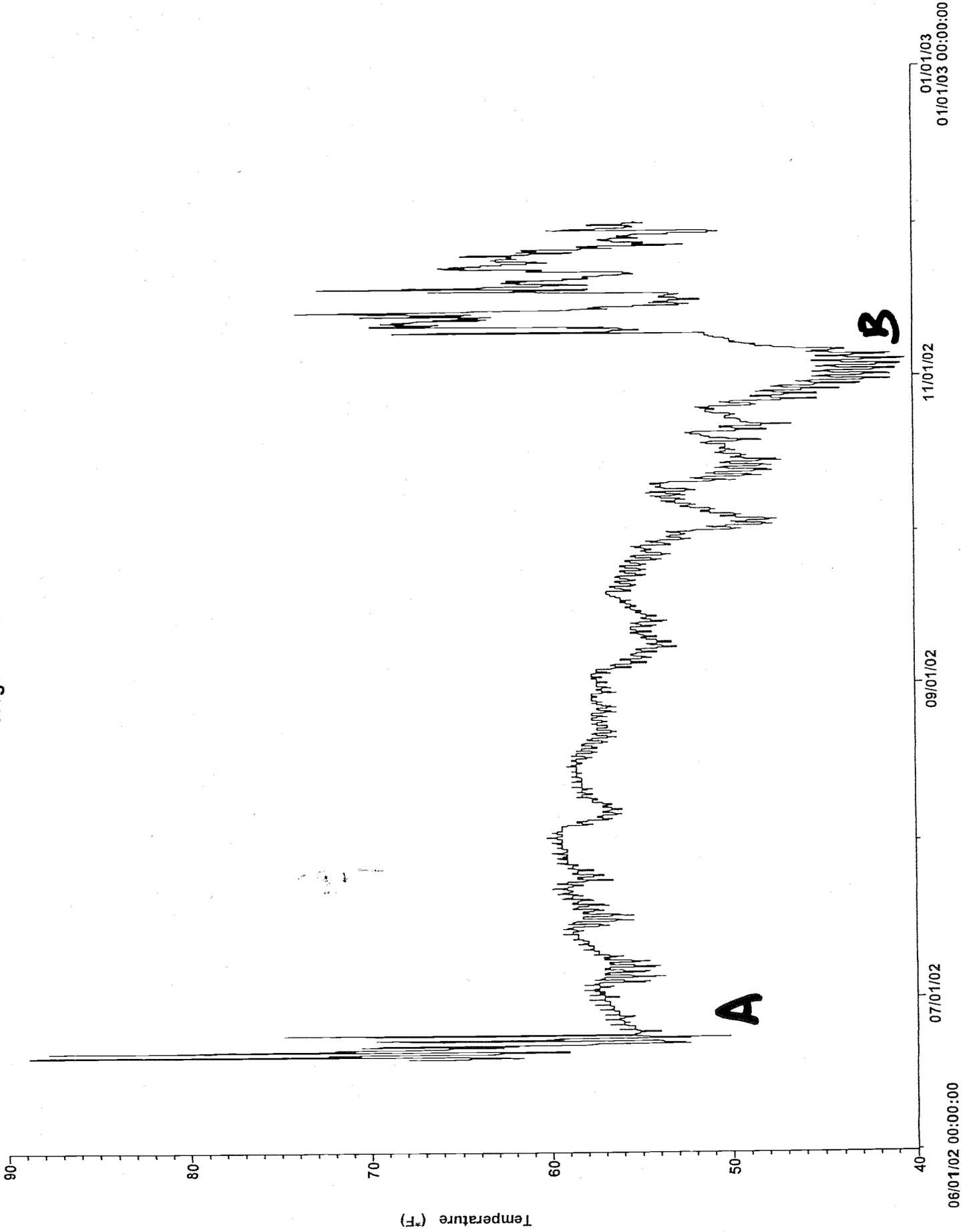
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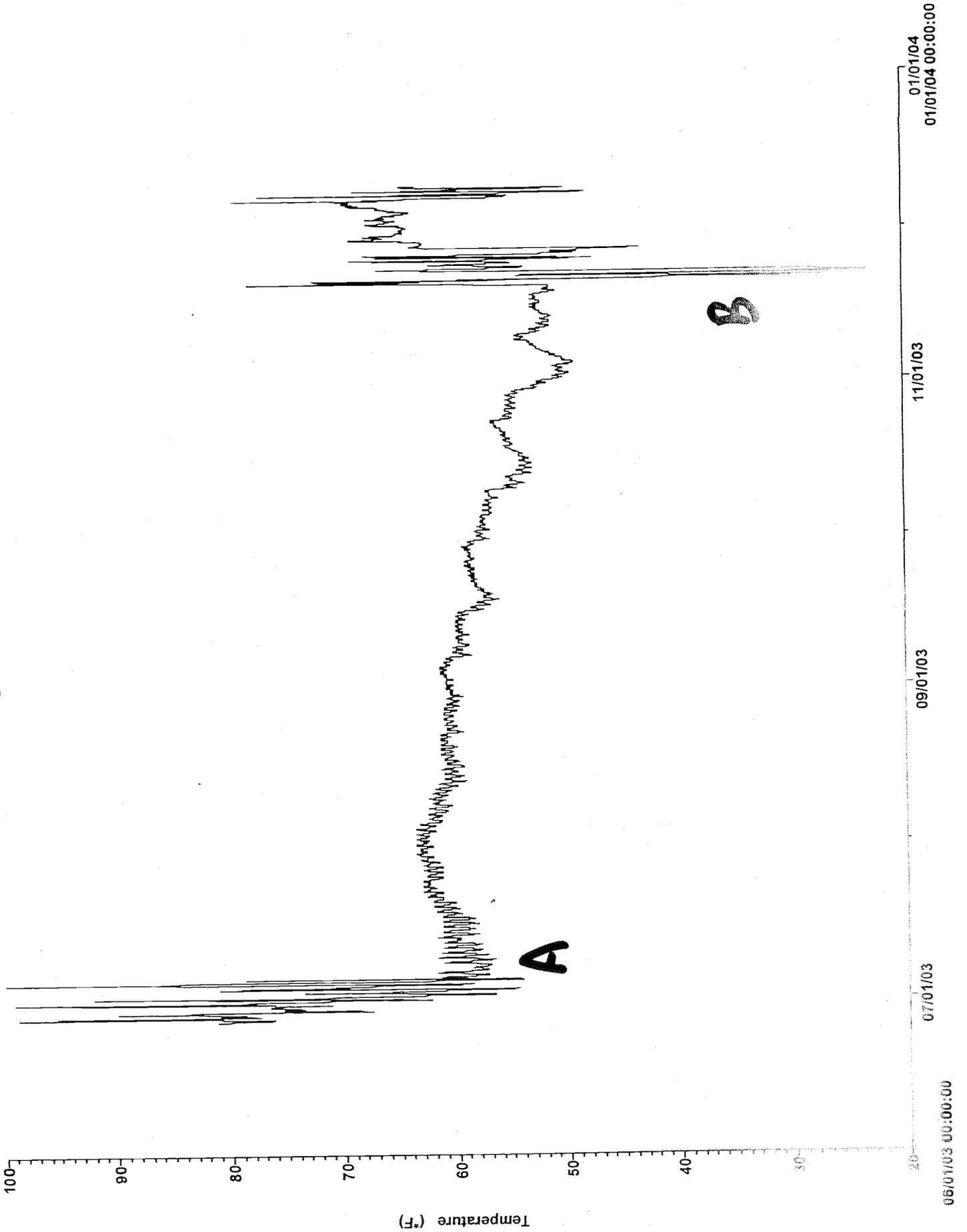
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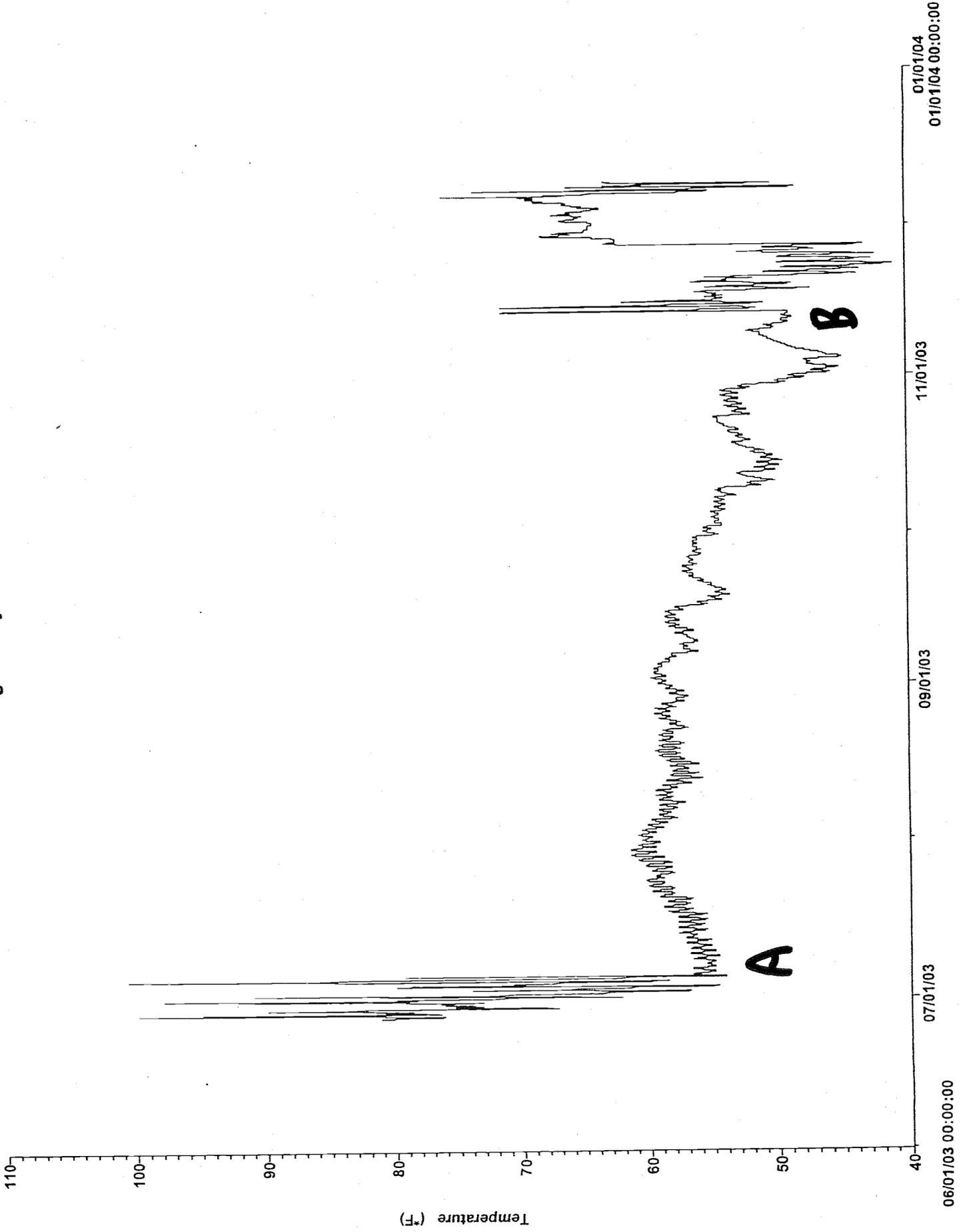
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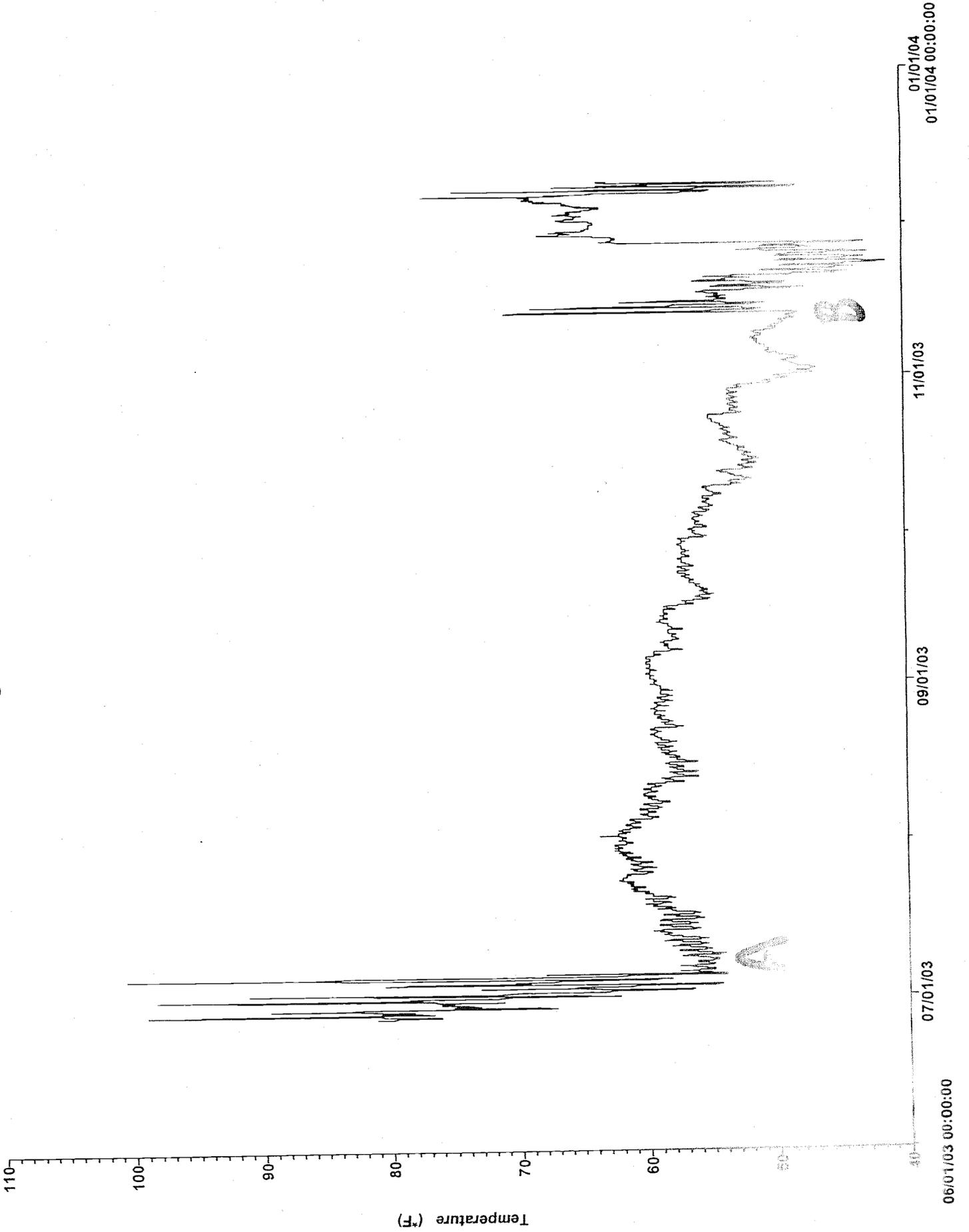
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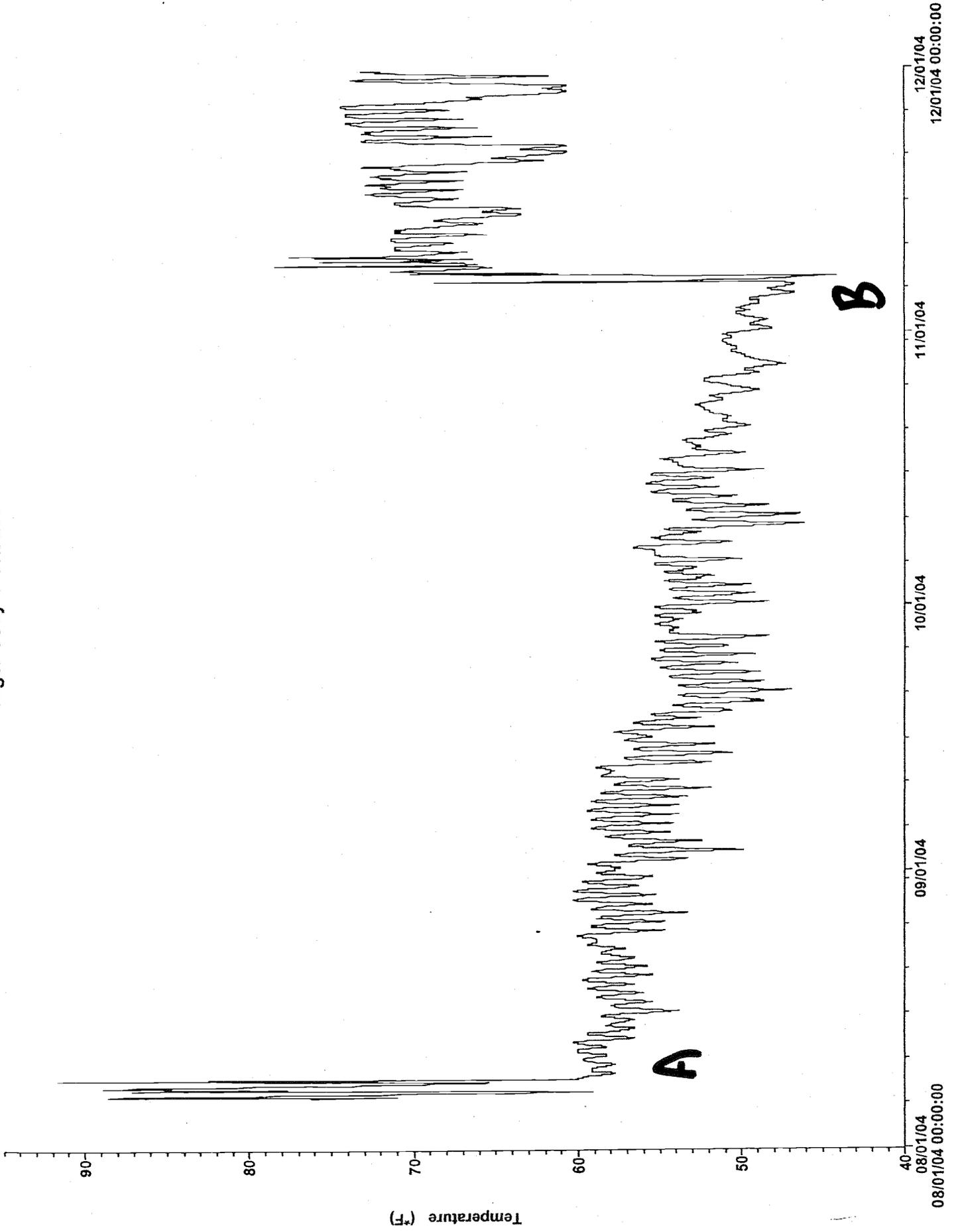
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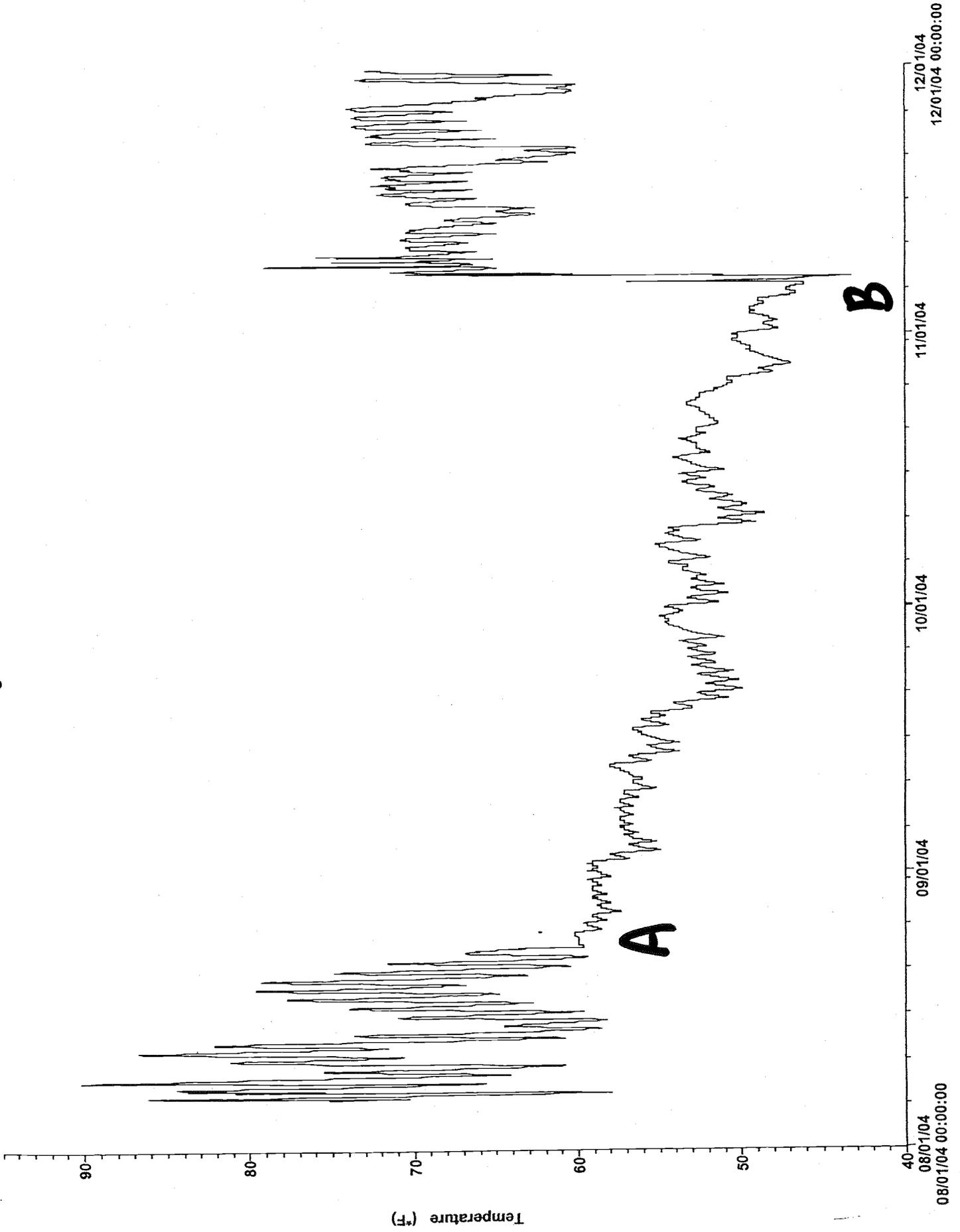
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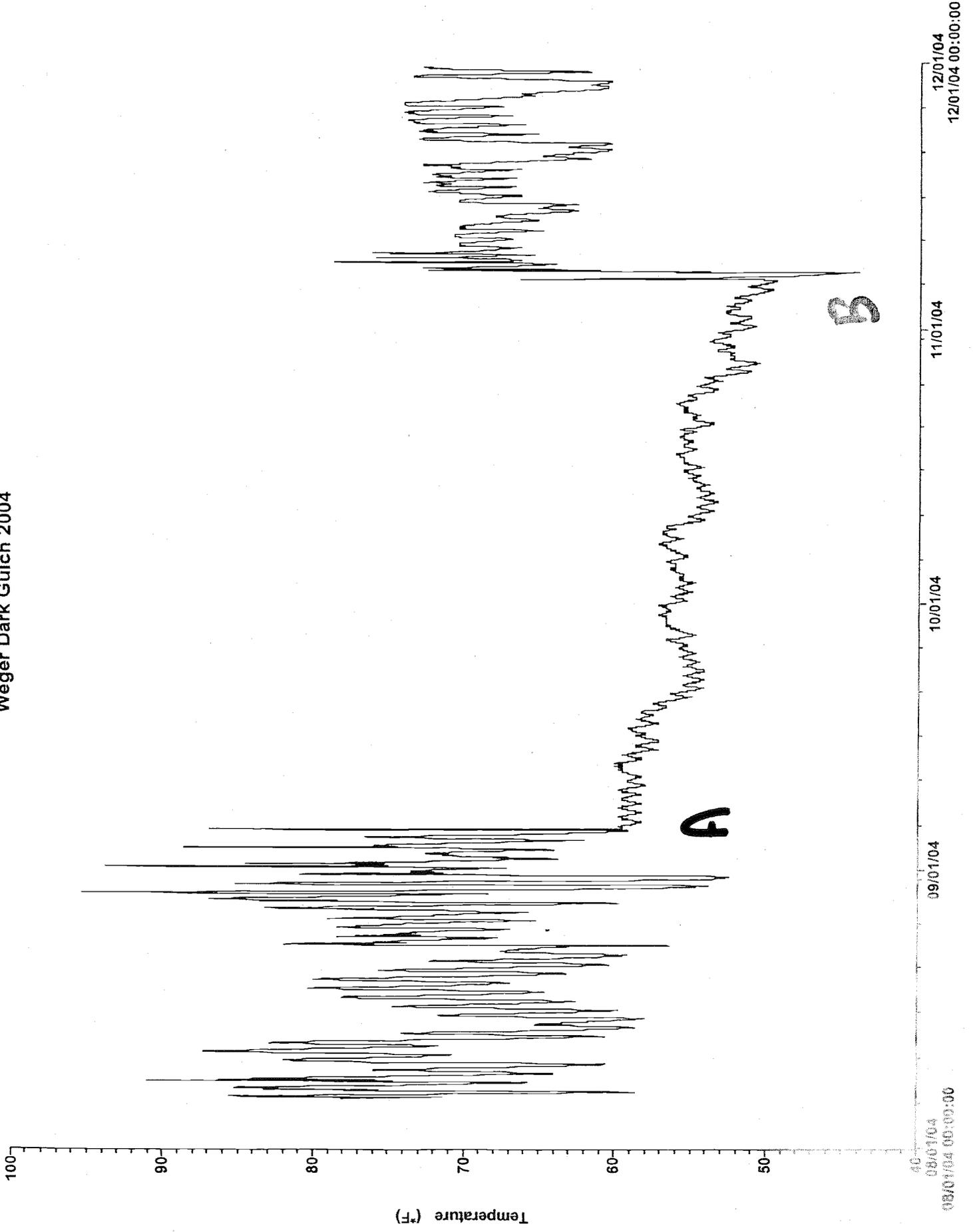
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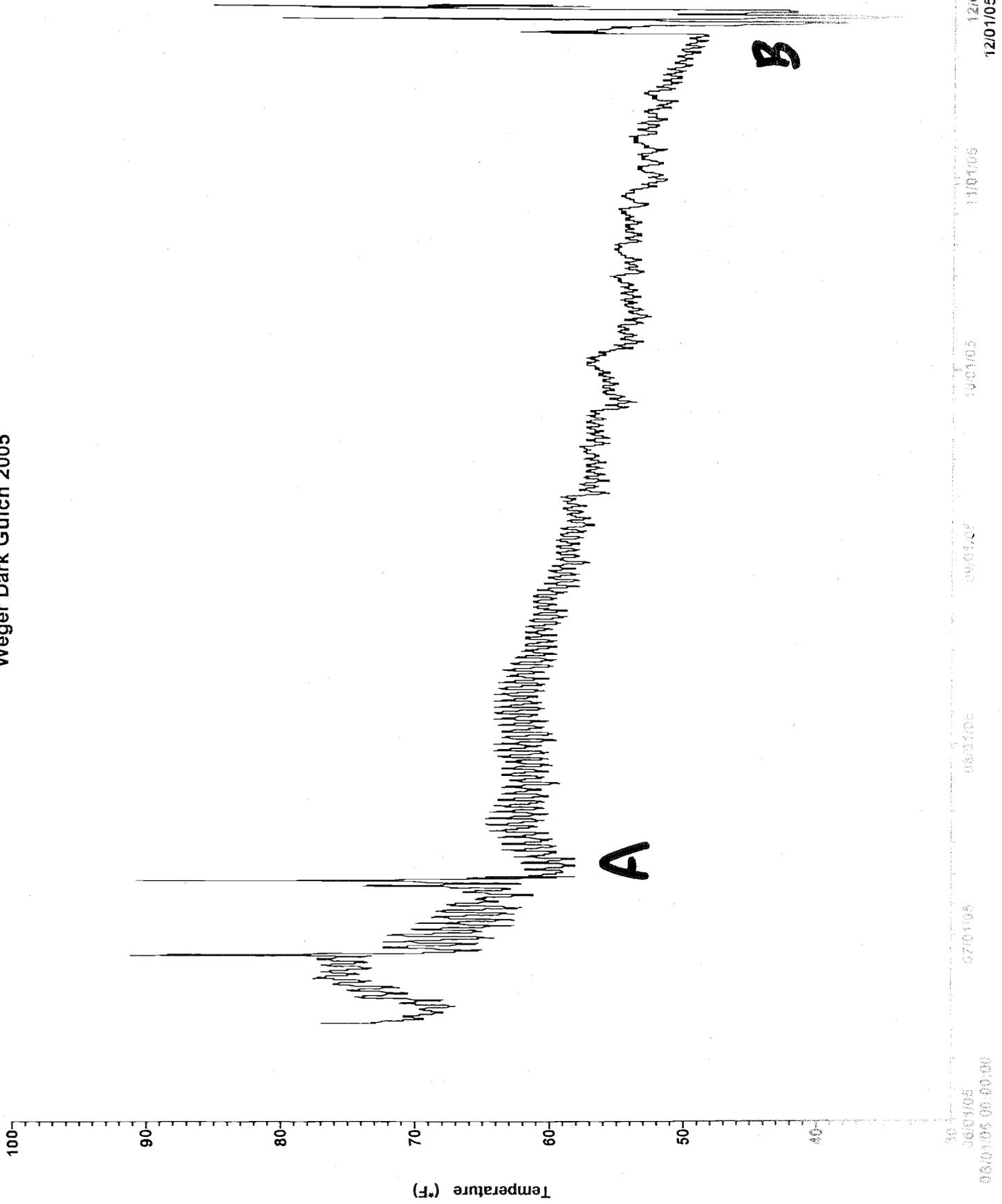
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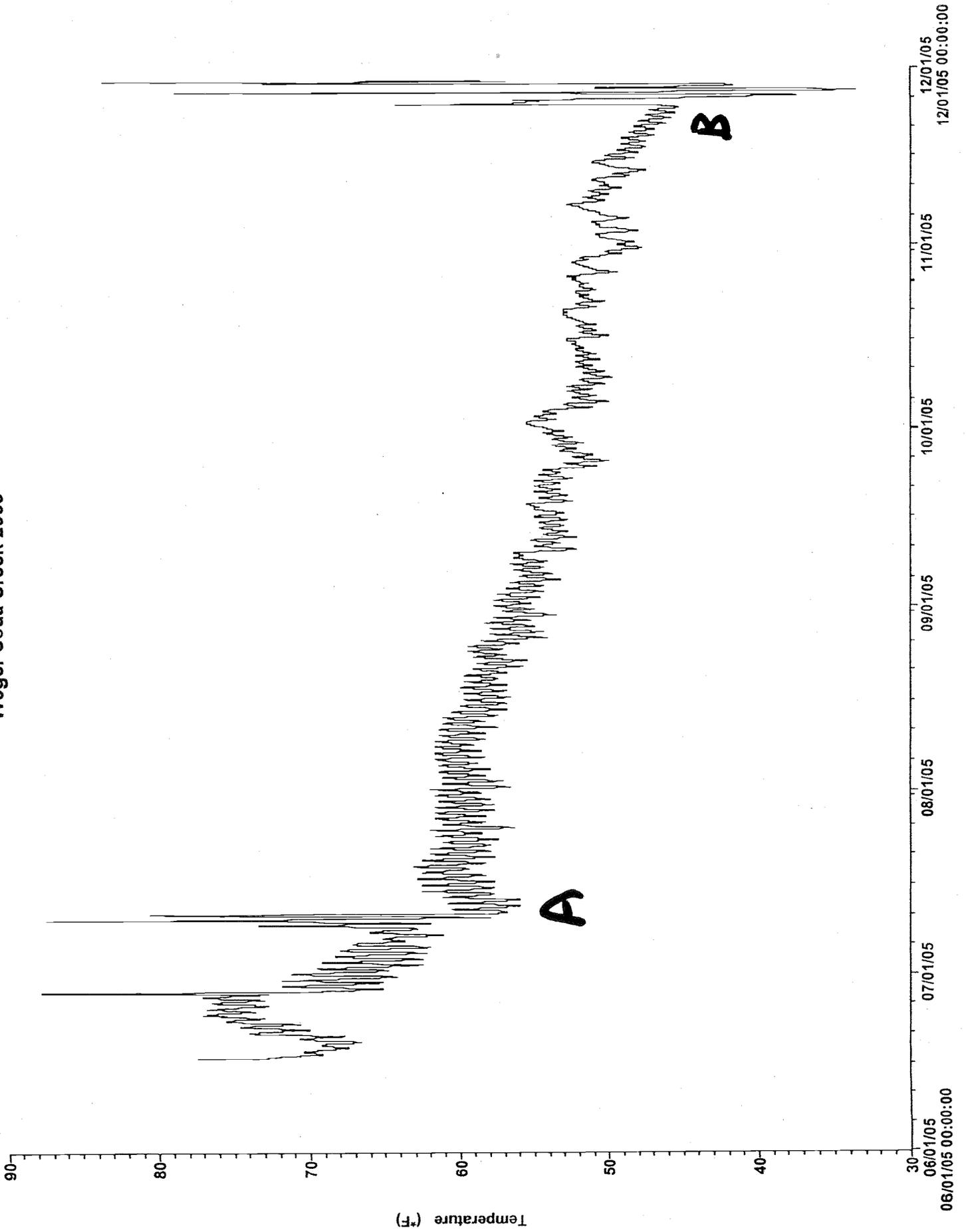
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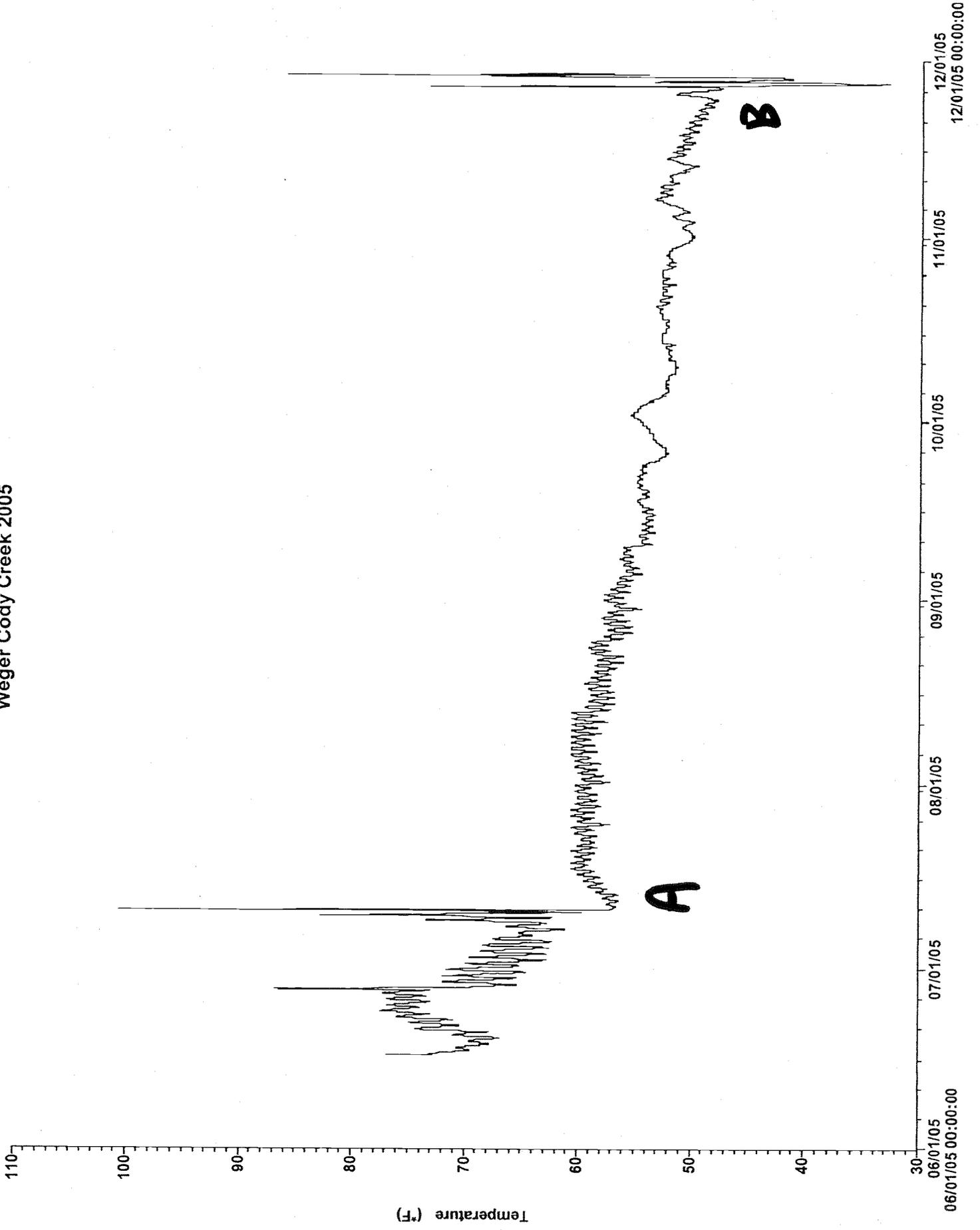
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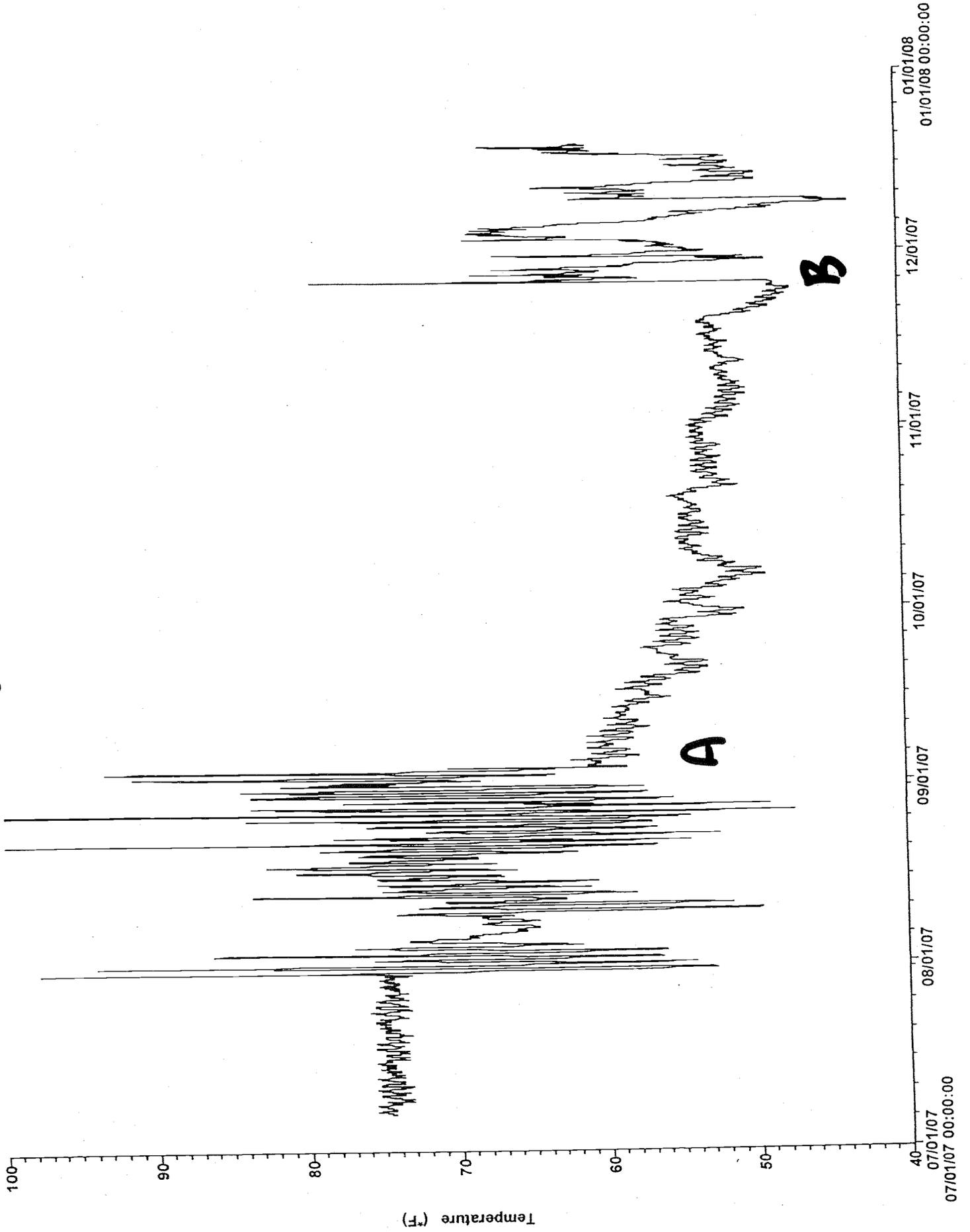
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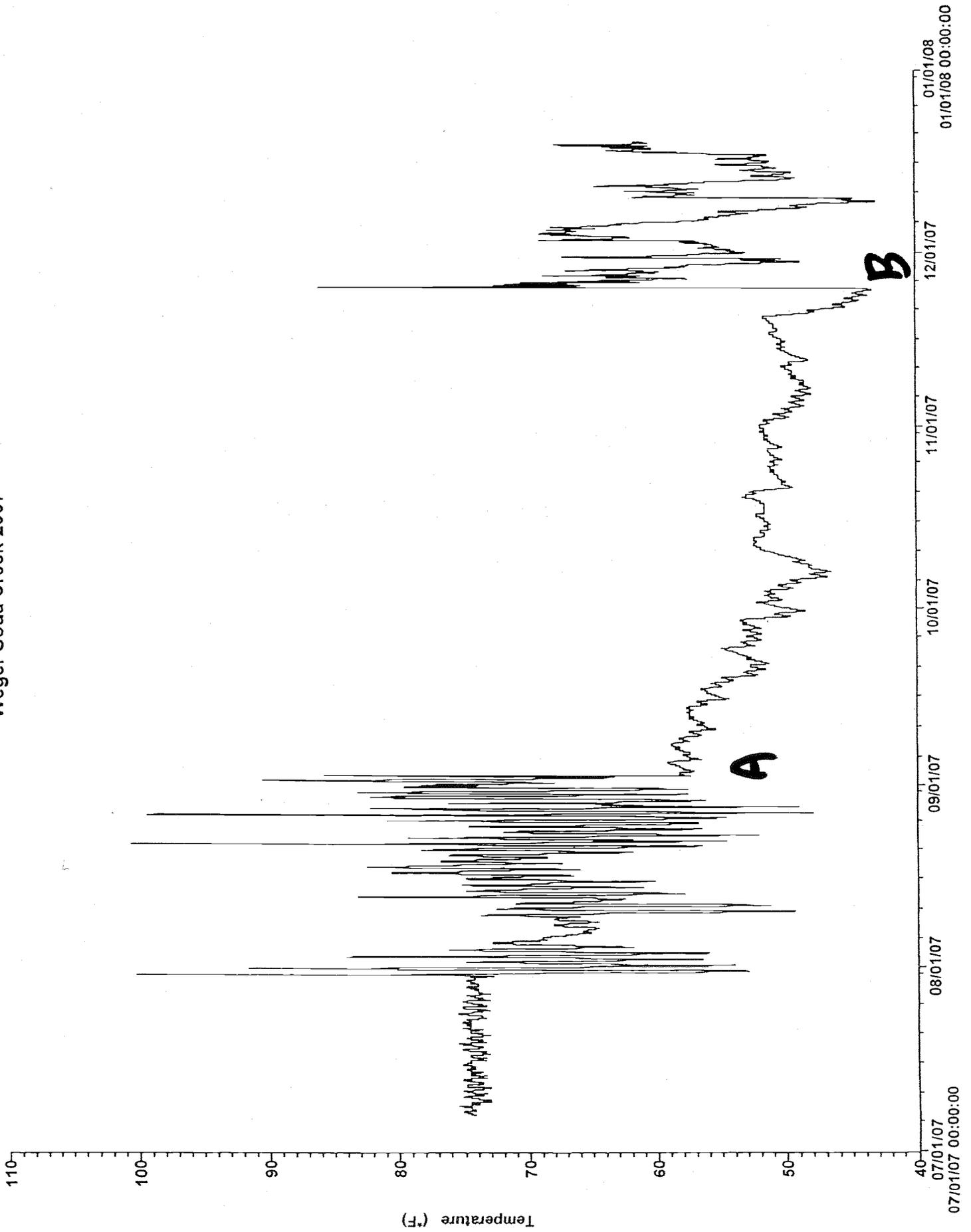
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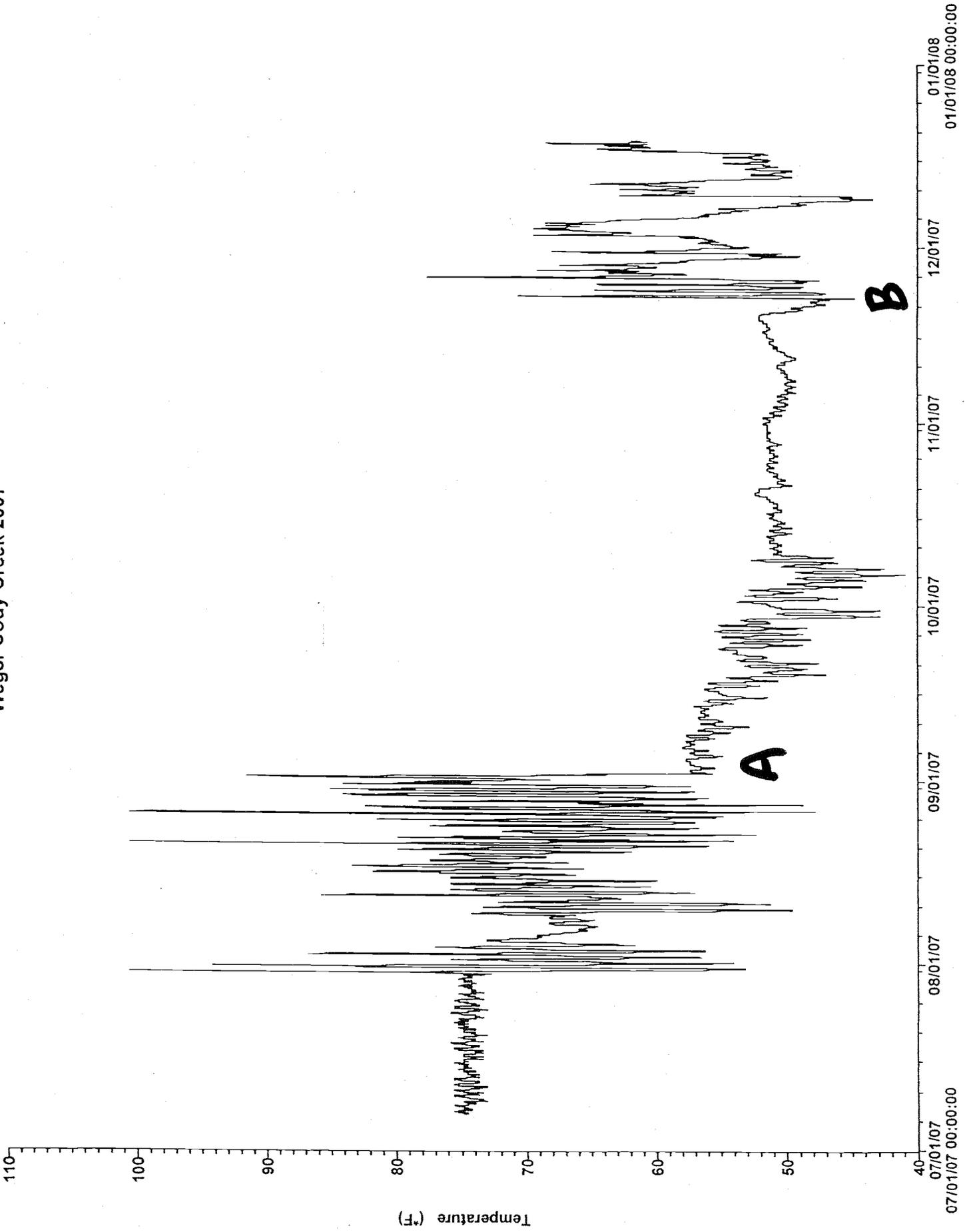
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Weger Soda Creek 2007



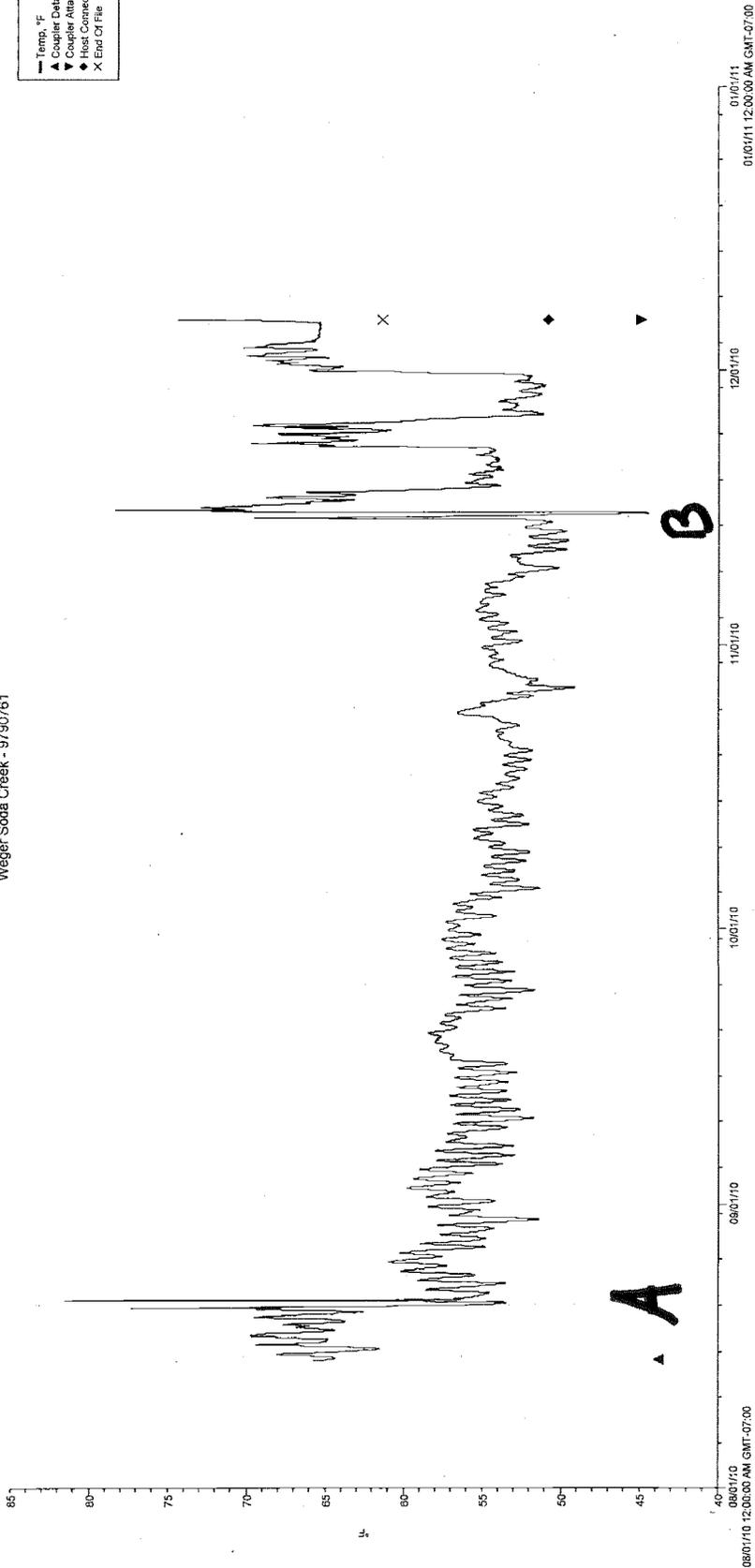
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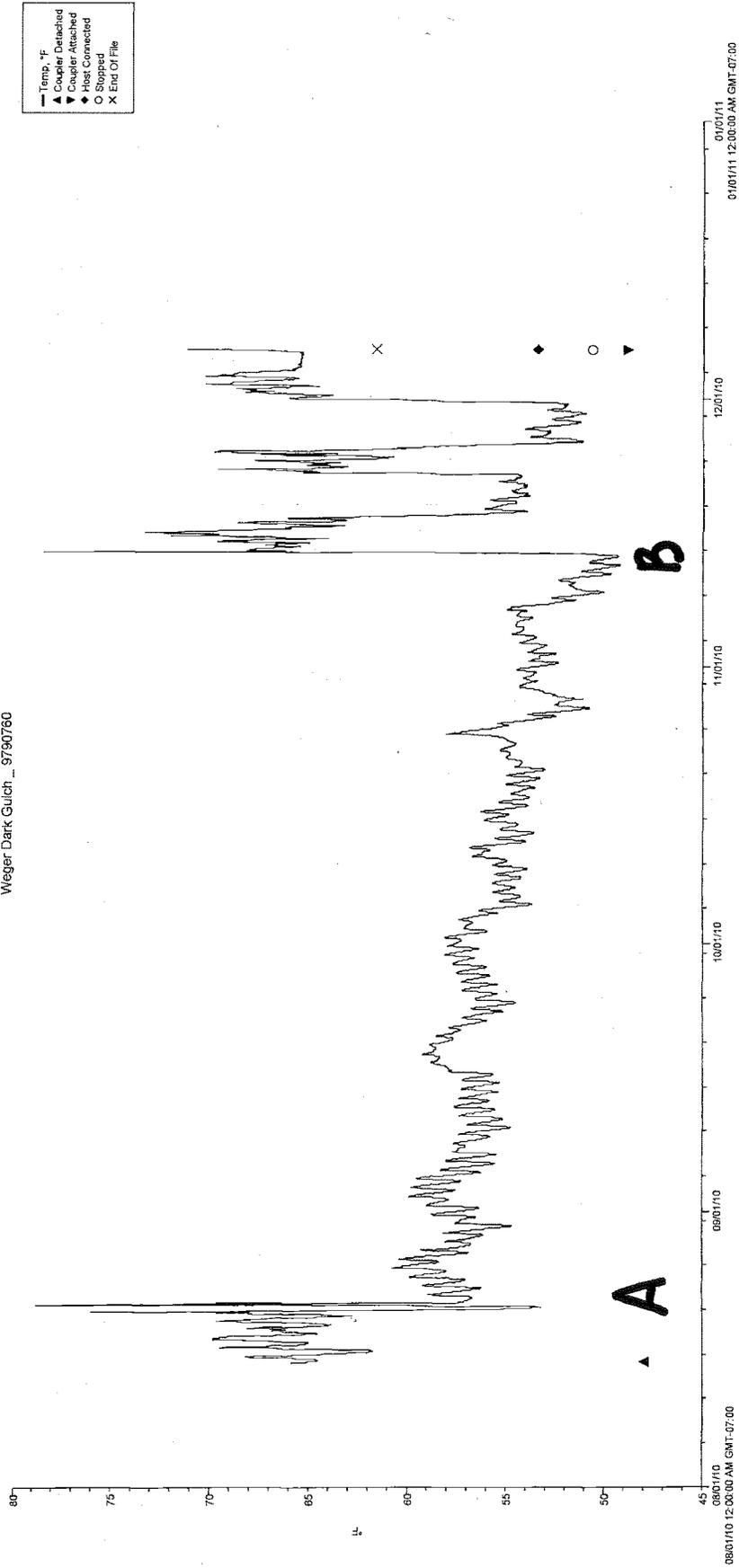
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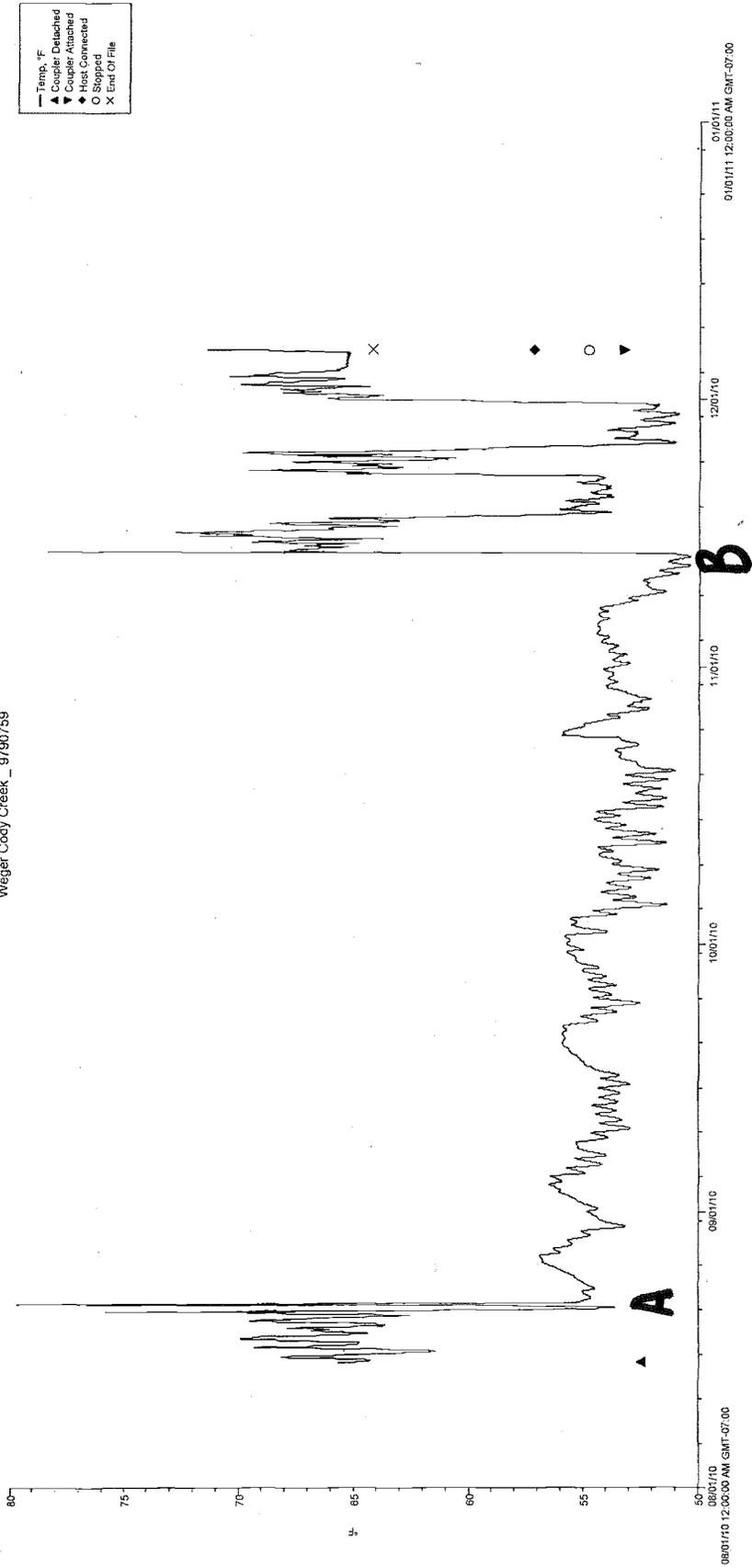


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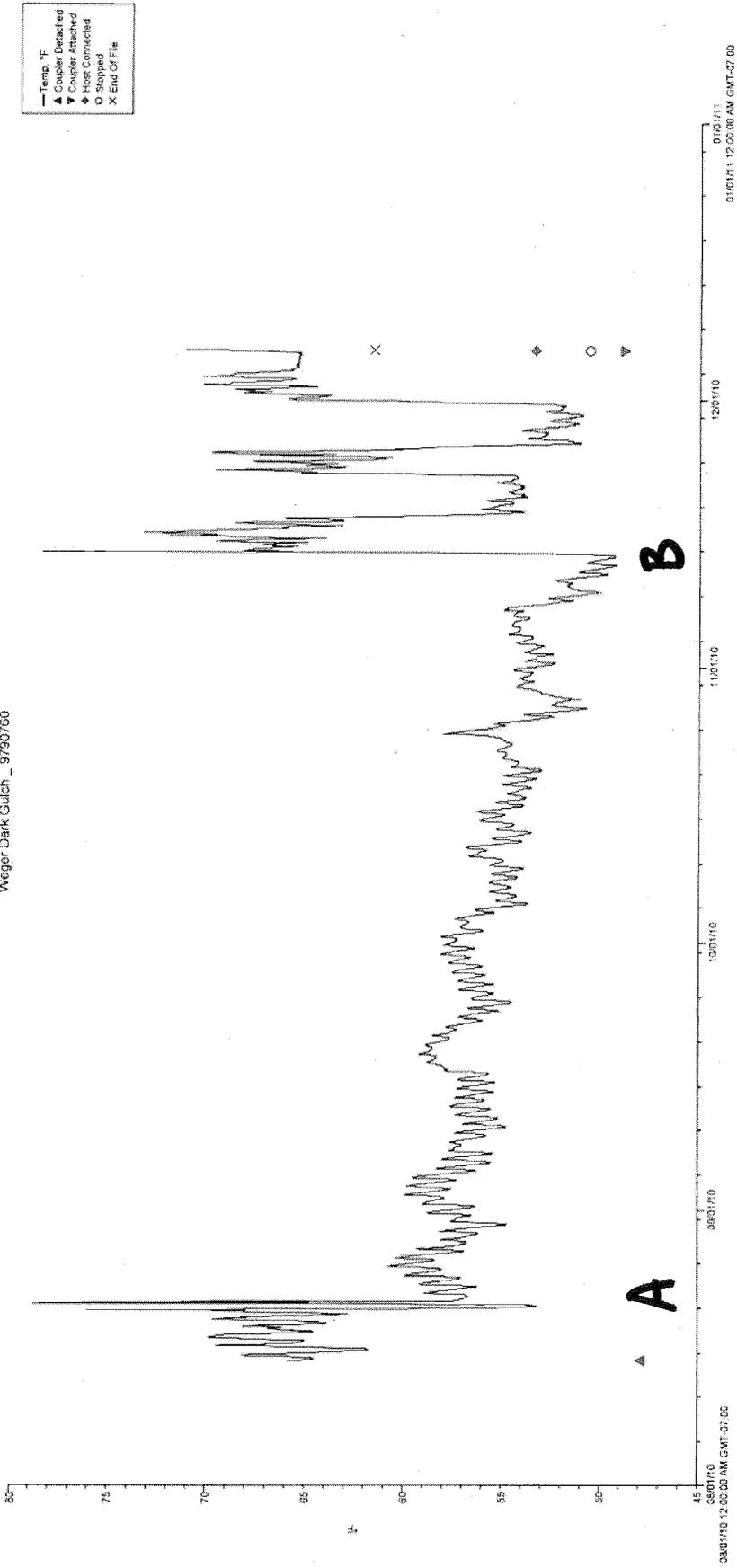
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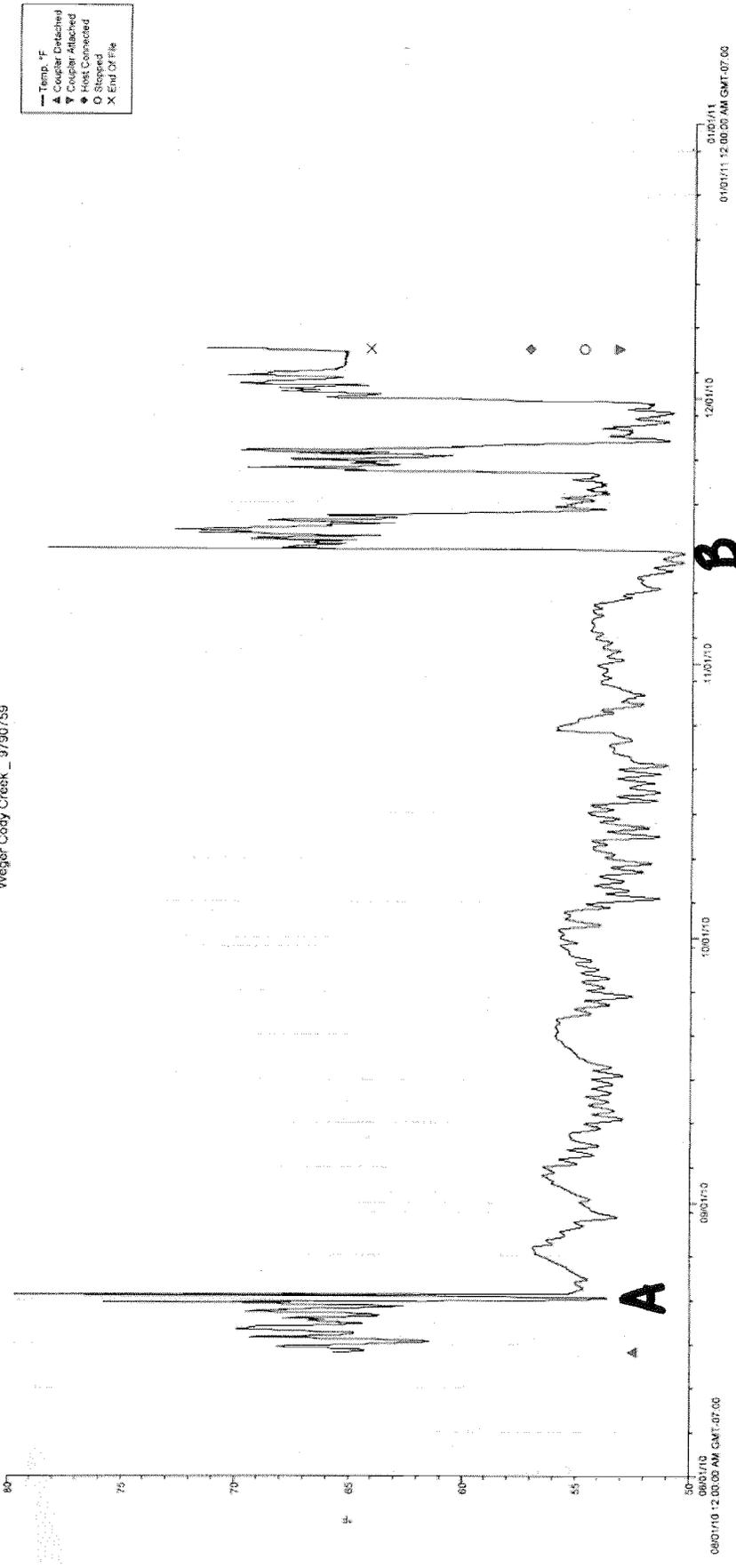
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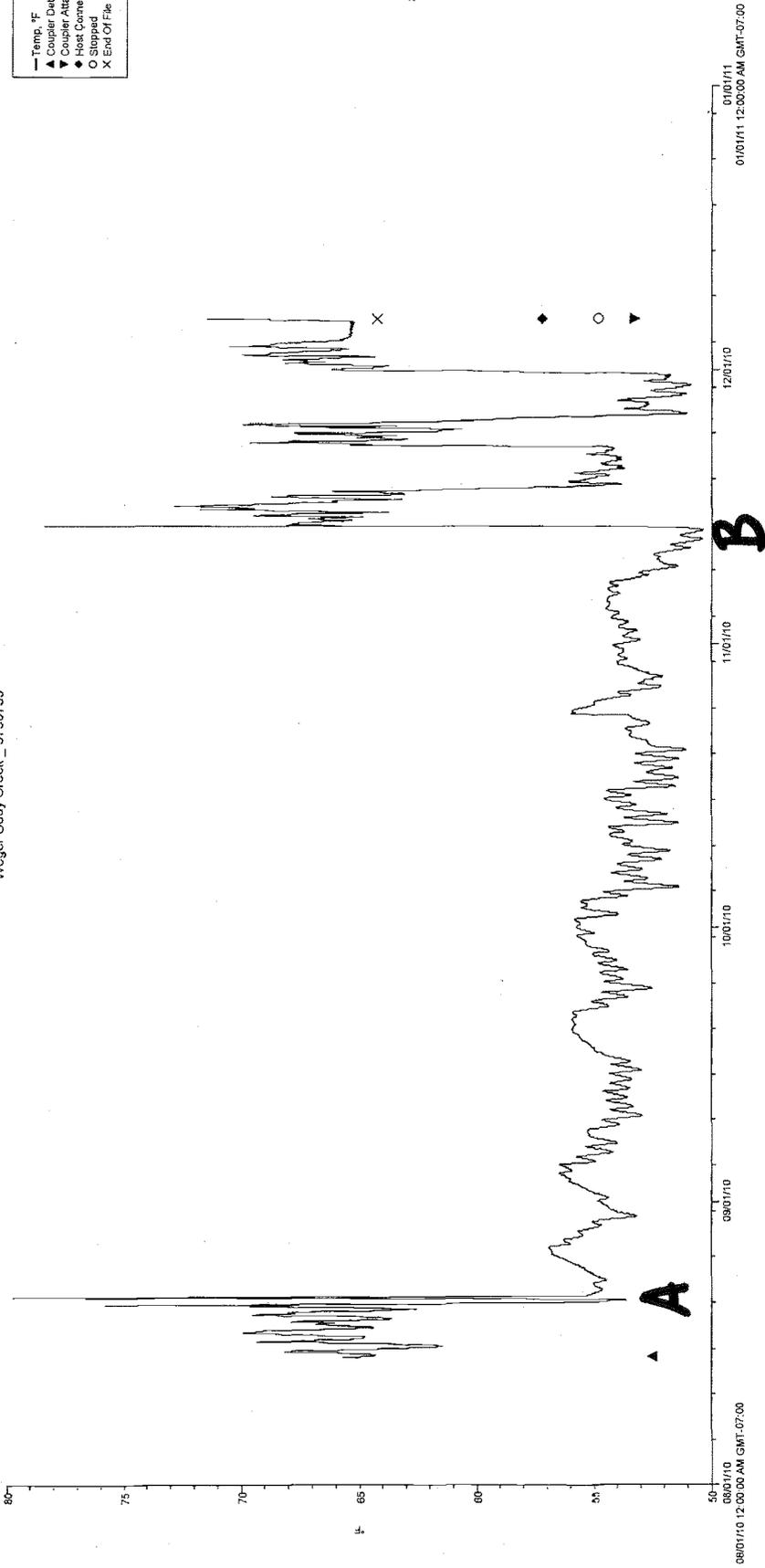


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JAMES L. ABLE  
FORESTRY CONSULTANTS, INC.

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



**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

*Note: Responses begin on Page 3*

Attachment: Cost Estimate for additional costs to comply with Proposed Revisions to Timber Waiver.

Please provide cost estimates for technical reports for the following hypothetical situations. : For example, 14CCR 916.9(o) requires identification and treatment of active erosion sites where feasible in the so-called T/I planning watersheds. What is the *additional* cost required for preparation of ECPs beyond that required by the FPRs? When estimating the cost of providing the required technical report on a *new* project, vs. an *existing* one, please consider how much of the required field work can be conducted concurrently with layout of the new plan and how much additional field work would be required to prepare the reports for existing plans.

Erosion Control Plans

1. Cost of preparation (not implementation) of an erosion control plan (ECP) on a new 100 acre THP or NTMP with ten controllable sediment discharge sources (CSDS) in both : a) T&I watershed, and b) non-T&I watershed.

*I am not sure it would be significantly different T&I vs. non-T&I. I assume the controllable sediment sources are all road-related and therefore, readily accessible and that the sites do not mandate any specialized engineering. In addition to the 10 sites that must be specifically addressed, you would also have to address general erosion control practices as well. In this case, specific site and general recommendations can be field-judged concurrently in the same field visit.*

*Cost: one field day and two office days; \$1800-\$2160 per 100 acres, assuming ATV access*

*Note: If sites require extensive access via foot, price goes up proportionately.*

2. Cost of preparing an ECP on an existing and previously approved 100 acre NTMP with 10 CSDS that has already been enrolled in the Waiver. The estimate should represent the cost for additional work (field and office) required to comply with the Categorical Waiver reporting requirements, but not to fix the sites.

*While you may not have to specifically address the 10 sites in detail, you still have to conduct a general field trip to assess other conditions to be addressed in the ECP.*

*Cost: one day in woods, one day in office; \$1200-\$1440.*

3. Cost of conducting two winter period inspections per year and a brief annual summary report for a 100 acre THP or NTMP. Assume that the purpose of the inspections is to inspect the entire road system, not just ECP sites.

*Even though it will not probably take a full day to conduct the actual winter inspections (assuming no major problems are encountered), you should pack a shovel and chainsaw on the ATV to touch up waterbars and cut logs out of the road, etc., so you can easily dedicate a day to each visit.*

*Cost: Two days in woods, ½ day in office for report; \$1500-\$1800.*

*Note : If you find problems on your inspection, price goes up proportionately.*

### Road Management Plans

1. Cost of preparing a road management plan for a new 100 acre NTMP with one mile of road and 20 watercourse crossings. Assume the road plan would contain the following:
  - a. The location of all roads and watercourse crossings within the logging area;
  - b. The current status of each road, including road surface material, road and watercourse design, and use restrictions;
  - c. Work needed to address road upgrades;
  - d. The future plan and implementation schedule for each road; and
  - e. Work needed to address maintenance of the road for specific uses
  - f. A long term inspection and maintenance schedule designed to ensure that prevention and minimization measures are functioning as intended and to identify and correct any problems that could cause sediment discharge in a timely manner. All roads must either be:
    - i. inspected and maintained annually, or
    - ii. hydrologically maintenance free, i.e., do not alter natural hydrology of the hillslope, or
    - iii. decommissioned

*20 is (are) a lot of crossings. It depends upon the history/condition of the crossings, and the extent of detail required by WQ. You would likely encounter some problem crossings that require additional thought. To be safe:*

*Cost : Two days in woods, two days in office; \$2400-\$2880per 100 acres*

2. Cost of preparing a road plan for an existing 100 acre NTMP with one mile of road and 20 watercourse crossings, assuming the road plan would contain the same information listed above.

*The idea that cost is reduced because you operate an existing vs. new NTMP is not necessarily true. The reason for this is that, as a forester, I can only handle so much information concurrently. For example, when considering a new plan, the first field visit focuses on silviculture and operability elements (which involve road logistics, not necessarily road condition). Once basic logistics are solved, then I look at specifics such as road upgrades, archeology, botany, wildlife, etc.).*

*While there may be some synergy, I generally must concentrate on one aspect at a time; otherwise, I get overloaded and cannot digest any of the information. I cannot think about which trees I might harvest at the same time I am looking for an arch site. Neither can I run a property line at the same time I am considering culvert sizes. It does take longer, and it takes multiple trips to the site, but I feel it yields a more coherent product.*

*There are always two elements to all the rules under which we operate. One, is the paperwork process, the other is the actual field implementation. Most foresters do not mind the latter as much as the former. Effectiveness is increased if you minimize the descriptions, the calculations, and the write-up, and focus on the field implementation (ie. make it performance-based).*

*Cost: Basically the same as for a new plan.*

*Final Note: Cost increases referenced above are basically linear---that is, for a 200 acre NTMP with 20 sediment sources, the price would almost be double that for a 100 acre NTMP with 10 sources. For a 300 acre NTMP with 30 sources, price would almost triple, etc.*

*Craig Blencowe  
RPF No. 2003*



**SERVICE LIST**  
**SWRCB/OCC Files A-2029, 2029(a) and 2029(b) consolidated**

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