

## Attachment A - Written Comment Letters on Proposed Order No. R1-2019-0008

### Comment Letter No. 1

**From:** Corrina Munger  
**Sent:** 16 Jan 2019 17:51:23 -0800  
**To:** NorthCoast  
**Subject:** Proposed Order No. R1-2019-0008

Dear CA Regional Water Quality Control Board North Coast,

I would like to voice my support for the Short-Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region, proposed Order No. R1-2019-0008.

This categorical waiver is an important mechanism in allowing much of the state's fuel reduction activities to occur. It also reduces the regulatory burden for small and medium-sized landowners and allows them to more actively and more frequently manage their lands. At a point in time when we want to encourage landowners to do more forest management, requiring every forest management project that meets the definition of timber harvesting to meet all the waste discharge requirements would slow down and discourage these projects from taking place. In 2018, over 1200 projects that fall under the 14 CCR 1052 exemptions (which are supported by the categorical waiver) were filed with CAL FIRE; many of these 1200 projects were to allow landowners to create defensible space around structures, to harvest dead and dying trees, and to thin forests. This is important work to both reduce fire hazard and to improve forest health.

Thank you for the consideration.

Sincerely,  
Corrina Munger  
RPF #3032

*Sent Via Electronic Mail to: [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) on Date Shown*

February 4, 2019

David Noren, Chair  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd, Suite A  
Santa Rosa, CA 95540

**RE: Comments on Temporary Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region—Order No. R1-2014-0011**

Dear Chair Noren and North Coast Regional Water Quality Control Board:

The following comments are submitted on behalf of the Environmental Protection Information Center—(EPIC), in response to the Regional Board Notice and Solicitation of Public Comments dated January 4, 2019, pertaining to the Proposed Temporary Renewal of Order No. R1-2014-0011, Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region, hereafter, “Categorical Waiver.” EPIC appreciates the opportunity to provide comments on the Proposed Temporary Renewal of the Categorical Waiver.

EPIC supports the Temporary Renewal of the Categorical Waiver on the basis stated in the Draft Renewal Order at Paragraph 4-5, page 2. Given the need for the California Board of Forestry and Fire Protection to sort out, and then promulgate regulations to fulfill the mandates of Senate Bill 901 and the associated changes to the California Public Resources Code that pertain to and may affect timber operations on Non-Federal Lands in multiple permitting frameworks and categories, EPIC supports the Temporary Renewal of the Categorical Waiver.

EPIC encourages the Regional Board to revisit the Categorical Waiver. The Regional Board must consider not only new PRC Code and Board of Forestry Regulations, but also must revisit the Categorical Waiver as a concept and to revisit the question of whether a Categorical Waiver is the appropriate permitting vehicle.

Given the nature of Non-Federal Lands Timber Harvest in North Coast Regional Watersheds, and the fact that nearly all are listed as sediment impaired, from Non-Federal Lands-related sediment pollution discharges, EPIC fundamentally questions whether the Categorical Waiver will be an effective permitting vehicle to ensure protection and enhancement of water quality and Beneficial Uses of Water from Non-Federal Lands timber operations into the future.

The California Water Code imparts mandatory and affirmative duties upon the Regional Board to create regulatory frameworks that ensure water quality control and that Beneficial Uses of Waters of the Region and State are not unreasonably degraded by pollution discharges in amounts deleterious to those Beneficial Uses of or in amounts that will result in Nuisance. (*See*: California Water Code section 13241)

The primary regulatory and enforcement tools available to Regional Boards to ensure protection, enhancement and restoration of Beneficial Uses of Water and to prevent Nuisance are Water Quality Control Plans (Basin Plan), and Waste Discharge Requirements.

EPIC encourages the Regional Board to consider moving to a Waste Discharge Requirement Framework that can account for the multiple 303(d) listings, TMDLs, TMDL Action Plans, and requirements of the State NPS Policy. The Categorical Waiver has not been shown to be an effective regulatory framework to ensure control of feasibly controllable non-point source sediment pollution discharges resulting from Timber Operations on Non-Federal Lands.

EPIC appreciates the opportunity to present these comments and look forward to continuing our work with the Regional Board and staff to ensure that all applicable legal requirements are met, and that all permitting frameworks and water quality controls contained in them comply with such legal requirements.

Respectfully Submitted,



Rob DiPerna  
California Forest and Wildlife Advocate  
Environmental Protection Information Center (EPIC)  
145 G Street, Suite A  
Arcata, CA 95521  
[rob@wildcalifornia.org](mailto:rob@wildcalifornia.org)

Comment Letter No. 3

**From:** Stephen Rae  
**Sent:** 29 Jan 2019 14:48:55 -0800  
**To:** NorthCoast  
**Cc:** unofelice@gmail.com  
**Subject:** Renewal of Discharge Requirements for TH on Non-Federal Lands: Opposition

To Whom It May Concern:

I oppose the renewal of waste discharge requirements allowing timber harvest activities in wet weather. That is, please prohibit TH activities unless an extended dry period (approx one week) precedes the date of operations. Otherwise, TH activities promote the movement of sediment in the areas of soil disturbance with resulting fine sediment deposition in fish-bearing streams.q

FYI, the introduction of only a small amount of fine sediment may result in a thin coating over spawning gravels. Such a layer interrupts normal oxygenated water movement through redds. The eggs in place then die. The amount of fine sediment that can ruin spawning gravels is very small and highly local.

In my 16 years with CA DFG I investigated riparian habitats for the Board of Forestry, managed the DFG Watershed Academy, and supervised the Central Coast Region Timber Harvest Program. During that time I observed many instances of fine sediment transport related to TH activities on wet sites. This is a continuing problem that is best treated by limiting operations to dry periods.

My recommendation is to not continue existing rules, but to return to rules specifying opration bans until at least a one week dry period has occured.

Sincerely,

Stephen P. Rae, Ph.D.  
Supervising Environmental Specialist IV DFG (retired)  
RPF 2445 (retired)

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Stephen P. Rae, Bryologist - Plant Ecologist  
Napa Valley California

Comment Letter No. 4

**From:** Robin Applegarth  
**Sent:** 3 Feb 2019 17:12:32 -0800  
**To:** NorthCoast  
**Subject:** Public comment on categorical waiver of waste discharge for timber harvests in winter

To the North Coast Water Board,  
I am opposed to extending a waiver to the logging industry for rainy weather harvesting and hauling.

The current rules are not adequately protecting our water supply during wet weather. Roads turn dangerously muddy and leak sediment into nearby rivers and streams when heavy trucks and equipment drive on them while wet. Studies show this sediment buries the eggs of various fish such as salmon and others, preventing hatching.

Since our water quality cannot be protected under wet weather conditions, it makes more sense to prohibit log hauling from Oct. 30- April 1 of every year.

I encourage you to ban logging during wet weather, so we can keep our water supplies protected and preserve our dwindling fish populations.

Respectfully,

Robin Applegarth  
35501 S. Hwy. 1, Unit 109  
Gualala, CA 95445

Comment Letter No. 5

**From:** Linda McVarish  
**Sent:** 1 Feb 2019 08:49:06 -0600  
**To:** NorthCoast  
**Subject:** proposed "Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

Current North Coast Water Board rules for private and public land logging are not adequately protecting water quality; that logging and hauling in wet weather cannot be done without unacceptable risks to water quality. The renewed permit should prohibit log hauling between October 30 and April 1 and only allow logging operations when there is a truly extended dry period lasting at least a week.

Thank you for protecting water quality in our North Coast area. Linda McVarish

Comment Letter No. 6

**From:** carmen ferraz  
**Sent:** 28 Jan 2019 11:53:41 -0800  
**To:** NorthCoast  
**Subject:** Short-Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities

Dear North Coast Water Board,

I would like to publicly comment on the above Subject:

Current North Coast Water Board rules for private and public land logging are not adequately protecting water quality. Logging and hauling in wet weather cannot be done without unacceptable risks to water quality. Therefore, the renewed permit should prohibit log hauling between October 30 and April 1, and only allow logging operations when there is a truly extended dry period lasting at least a week.

Thank you for your consideration of these comments.

Carmen Ferraz

Comment Letter No. 7

**From:** Matt Reid  
**Sent:** 1 Feb 2019 17:54:59 +0000  
**To:** NorthCoast  
**Subject:** Comment re proposed Short-Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

To Whom It May Concern:

Current North Coast Water Board rules for private and public land logging are not adequately protecting water quality. Logging and hauling in wet weather cannot be done without unacceptable risks to water quality. Any renewed permit must prohibit log hauling during the peak rainy season between October 30 and April 1, and should allow logging operations only when there is a truly extended dry period of at least one week.

Thank you for considering these concerns.

Sincerely,  
Matthew Reid  
1311 Pine Street  
Calistoga, CA 94515  
707-360-5419



Comment Letter No. 8

**From:** ANNA NARBUTOVSKIH  
**Sent:** 1 Feb 2019 13:13:45 -0800  
**To:** NorthCoast  
**Cc:** unofelice@gmail.com  
**Subject:** Short-Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region  
**Importance:** Normal

To North Coast Water Board:

Current North Coast Water Board rules for private and public land logging are not adequately protecting water quality. Logging and hauling in wet weather cannot be done without unacceptable risks to water quality. Please consider that the renewed permit should prohibit log hauling between October 30 and April 1 and only allow logging operations when there is a truly extended dry period lasting at least a week. According to the scientific studies, hauling logs in wet weather results in significant amounts of fine sediment being delivered to streams where it smothers salmon and steelhead eggs, preventing many eggs from hatching.

Anna Narbutovskih

narbutovskih@comcast.net

Comment Letter No. 9

**From:** Laura Morgan  
**Sent:** 1 Feb 2019 15:04:21 -0800  
**To:** NorthCoast  
**Subject:** Please prohibit winter logging from October till April and to dry periods, in order to protect waterways from erosion. Thank you. Laura Morgan, 2821 Dyer Ave, Sebastopol, CA 95472

Comment Letter No. 10

**From:** Hal Childs  
**Sent:** 1 Feb 2019 17:29:47 -0800  
**To:** NorthCoast  
**Subject:** Protect water quality- no winter logging

North Coast Water Board:

Regarding the proposed “Short-Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region”

The current North Coast Water Board rules are not protecting water quality. Logging and hauling in wet weather cannot be done without unacceptable risks to water quality. The renewal permit should prohibit log hauling between October 30 and April 1, and only allow logging operations when there is a truly extended dry period lasting at least a week.

Please do your best to protect water quality and prevent watershed erosion. Too much fine sediment in streams kills the salmon and steelhead eggs, the next generation of these prized fish.

Sincerely,

Hal Childs

Comment Letter No. 11

**From:** Lynne Mowry  
**Sent:** 2 Feb 2019 19:11:41 +0000  
**To:** NorthCoast  
**Cc:** randal@whatcanbedone.com;unofelice@gmail.com;Ed Loweecey  
**Subject:** Short-Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

Dear North Coast Water Board,

As small forest landowners (50 acres with a small section of the headwaters of the North Fork of the Albion River) in Mendocino County, we're very concerned about the health of our forest and the impact we have on our local waterways when we harvest. Not that long ago the 'normal operating period' for logging was from April 1<sup>st</sup> to October 30<sup>th</sup> each year so streams and rivers would be protected from the muddy runoff associated with logging operations when the ground was wet. This kept the waterways clear so salmon and steelhead eggs could hatch and thrive and our fisheries would remain viable.

During the extended drought in the late 1970's, you loosened the logging rules to allow timber harvest during 'extended dry periods' that sometimes occur at the beginning of our normal North Coast rainy season. You loosened the rules again so that now logging only stops when there are successive days of an inch or more of precipitation. Logging then resumes after our big rainstorms end.

Logging and hauling in wet weather cannot be done without unacceptable risks to water quality. Hauling logs during wet weather conditions delivers significant amounts of fine sediment to stream courses even when those roads have been covered with gravel. According to the scientists who have studied North Coast logging for decades, ([www.fs.usda.gov/treesearch/pubs/38967](http://www.fs.usda.gov/treesearch/pubs/38967) and [www.fs.fed.us/psw/topics/water/caspar/caspubs.shtml](http://www.fs.fed.us/psw/topics/water/caspar/caspubs.shtml)) hauling logs in wet weather results in significant amounts of fine sediment being delivered to streams where it smothers salmon and steelhead eggs, preventing many eggs from hatching. On our property, we have personally observed that exposed soils take an extended period of time to solidify after soil saturation occurs. We have also seen rivulets of muddy water flowing down the hillsides into our local river on even the best run winter logging operations in our area. The current rules are absolutely not adequate to protect our water supply.

We request that the Short Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region prohibit log hauling between October 30 and April 1 and only allow logging operations when there is a truly extended dry period lasting at least a week. We also request that permission to resume operations be granted on a case-by-case basis after due consideration of topography, soil type and hydrology during this 'off season'. The health and well-being of our local waterways and salmon and steelhead population depend on this change.

Sincerely,

Edward D. Loweecey & Lynne Mowry

[elowecey@hotmail.com](mailto:elowecey@hotmail.com)

lynnem1100@yahoo.com

707.937.1765

Comment Letter No. 12

**From:** Bev Alexander  
**Sent:** 3 Feb 2019 12:12:27 -0800  
**To:** NorthCoast  
**Subject:** Comment: Re Short-Term Renewal of Categorical Waiver of Waste Discharge Requirements...

I am commenting on the Short Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region.

Current rules are not adequately protecting water quality. This will have long term effects on the viability of the salmon population, as well as other negative impacts.

I support the Sierra Club suggestion that the renewed permit prohibits log hauling between October 30 and April 1.

Sierra Club also suggests only allowing logging operations when there is a truly extended dry period lasting at least a week. I think that a week is too short. The climate of the North Coast is damp, and a week is not sufficient time to dry out. It would be fine with me if logging was not permitted at all between October 30 and April 1.

Hoping that the preservation of our natural environment trumps logging profits!

Thanks for reading.

Sincerely,  
Beverly Alexander  
341 Liberty St,  
Petaluma, CA 94952  
707-217-6884

Comment Letter No. 13

**From:** Paul Alexander  
**Sent:** 3 Feb 2019 19:21:45 -0800  
**To:** NorthCoast  
**Cc:** Paul Alexander; Beverly Alexander  
**Subject:** Legislating wisely for clean water and for our environment

I am commenting on the Short Term Renewal of Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region.

Current rules are not adequate to protect our water quality. Logging during the rainy season causes fine sediment to drain into rivers and streams. This will have long term effects on the viability of the salmon and steelhead populations, because the sediment kills the fish eggs, and prevents spawning.

I support the Sierra Club suggestion that the renewed permit prohibits log hauling between October 30 and April 1.

Sierra Club also suggests only allowing logging operations when there is a truly extended dry period lasting at least a week. I think that a week is too short. The climate of the North Coast is damp, and a week is not sufficient time to dry out. It would be fine with me if logging was not permitted at all between October 30 and April 1.

The preservation of our natural environment is more important than logging profits! When are we going to learn that the true bottom line is not monetary, but rather human health and welfare, and the integrity of our environment?

No planet, no people! Do we care about the survival of our species, of the environment, about the quality of life of future generations? Let's begin to show it by legislating wisely and with vision, not shortsightedly for false prophets!

Comment Letter No. 14

**From:** IVAN ANDERSON  
**Sent:** 4 Feb 2019 10:49:19 -0800  
**To:** NorthCoast  
**Subject:** Winter logging

To North coast water board

Please protect our water and animals from winter logging. It would be greatly appreciated.

Thanks!



Comment Letter No. 15

**From:** Diane Virdee  
**Sent:** 4 Feb 2019 12:18:38 -0800  
**To:** NorthCoast  
**Cc:** unofelice@gmail.com  
**Subject:** Short term renewal - discharge requirements - timber harvest

Water quality is of utmost importance. Please limit logging activities to dry weather spells when the ground is dry in order to limit the risk to water quality inherent to logging and hauling.

Thank you for your consideration.

Diane Virdee, Sebastopol, CA

Sent from my iPad



# SIERRA PACIFIC INDUSTRIES

Forestry Division • P.O. Box 496014 • Redding, CA 96049-6014 • (530) 378-8000 • Fax (530) 378-8139

February 4, 2019

Matt St. John  
Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, STE A  
Santa Rosa CA 95403-1072

Dear Mr. St. John,

This letter is to comment on the North Coast Water Quality Control Board's proposal to temporarily extend the 2014 timber Categorical Waiver while providing Regional Water Board staff additional time to evaluate the current eligibility criteria and specific conditions, and to consider several new and ongoing developments within the North Coast Region and statewide that may warrant modifications to the 2014 Categorical Waiver.

Sierra Pacific Industries encourages the Boards to pursue permit streamlining that supports the California Governor's issuance of Executive Order on Forests (B-52-18) which seeks to increase the pace and scale of prescribed fire, fuel reduction and forest thinning to improve forest resilience; large-scale wildfires that are increasing the number of post-fire salvage projects; and; the creation of new or modification of existing timber harvesting projects as a result of new statutory or regulatory requirements pursuant to Senate Bill 901.

Sierra Pacific Industries is also interested in the workplan being developed to inspect and evaluate a sample population of recent post-fire salvage projects conducted under the rules for Emergency Notice pursuant to FPRs. Sierra Pacific Industries is interested in the objectives of the proposed work plan relative to evaluating the effectiveness of management practices implemented for fire salvage projects including: 1) Who is the lead scientist? 2) What criteria was established for determining the sample population? 3) Are adjacent public lands included in the study? 4) Is a quality assurance/quality control plan going to be included for guiding data collection? 5) Will the study plan be peer reviewed prior to implementation?

Sierra Pacific Industries has completed a first of its kind study on post fire salvage operations on hillslope erosion (James et al. 2018, *Forest Science*, <https://doi.org/10.1093/forsci/fxx013>). This study indicates that one of the most important mitigation practices for reducing erosion on slopes impacted by severe wildfire is conducting harvesting operations that disturb the soils surface and introduce additional roughness to the hillslope.

Our main concern with the North Coast Staff's "work plan" is that the "study" will not adhere to enough academic rigor to provide objective data to inform the Board, but instead will provide conclusionary findings that rely on subjective evidence that does not stand up to scientific scrutiny. Our concern is that the subjectively derived data will mis-inform the Board and thus create an impetus to take actions that are not supported by a strong foundation of evidence. If the Board staff could provide Sierra Pacific Industries with answers to some of the questions posed previously it may help alleviate our concern regarding this investigation becoming corrupted.

Sincerely,

A handwritten signature in blue ink that reads "Cedric Twilight". The signature is written in a cursive style with a prominent loop at the end of the last name.

Cedric Twilight  
Manager, Regulatory Affairs