

December 14, 2007

Mr. John Corbett
Chairman
California Regional Water Quality Control Board
North Coast Region
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403

Re: Consideration of Resolution No. R1-2007-0095 for Adoption, Directing Staff to Execute the Sediment Control Tasks Described in the Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds

Dear Mr. Corbett:

On behalf of Green Diamond Resource Company, I am writing to supplement my oral comments given previously on the above-referenced proposal to implement the Work Plan to Control Excess Sediment in Sediment Impaired Watersheds.

Green Diamond is particularly concerned about two elements of the proposed Work Plan: the excess sediment amendment and the proposed adoption of the new streamside and wetland protection measures program. Neither has been thoroughly vetted and each should be before the Regional Board considers adoption.

Proposed Excess Sediment Amendment. As described in the Work Plan, the excess sediment amendment “will include a prohibition against the discharge or threatened discharge of excess sediment from human caused activities to waters of the state.” Proposed Work Plan at 9.

Green Diamond objects to the use of this “progressive enforcement” tool, rather than the regulatory tools that are already in place. Those regulatory tools include TMDLs, TMDL implementation plans and issuance of waivers of waste discharge requirements and waste discharge requirements where appropriate. Those regulatory tools are targeted at specific watersheds and specific activities—those that have the actual potential to contribute or are actually contributing sediment in locations and under circumstances that require attention to achieve water quality standards.

In contrast, the proposed discharge prohibition and accompanying enforcement mechanisms would apply an overly broad enforcement approach region wide regardless of actual conditions related to sediment and priorities for addressing sediment-related issues. We are concerned that the sediment amendment would preempt otherwise logical, progressive

approaches that are reflected in the above-described regulatory tools. Further, it puts at risk the voluntary efforts of many landowners to inventory and prioritize the treatment of legacy sediment sources. The sediment amendment appears to place equal priority on all sediment and promises to divert valuable resources away from addressing specific activities and problems that have actually been identified or will be identified as needing regulatory attention to protect water quality or improve water quality that is impaired. We recommend that the Regional Board use the TMDL process to identify areas needed regulatory attention and to design solutions to actual problems identified in that process.

Finally, we are concerned that the geographic scope of the proposed amendment is overly broad. The sediment amendment would apply to "all areas of the Coast except the Garcia Watershed." Proposed Sediment Amendment at 2 (July 18, 2007 Draft). In contrast, the Work Plan applies only to the "sediment-impaired water bodies of the North Coast Region." Proposed Work Plan at 4. In other words, the scope of the sediment amendment is broader than the Work Plan itself. Thus, the sediment amendment is overly broad; its scope inappropriately extends beyond the stated scope of the Work Plan itself.

Proposed Stream and Wetland System Protection Policy. The proposed Work Plan also recommends the approval of the proposed stream and wetland system protection policy. Green Diamond has similar concerns about this policy. The need for it has not been established. Further, the proposed policy is overly broad and has not been vetted thoroughly enough to warrant adoption. Finally, there are some apparent inconsistencies in the proposal. For example, the proposal indicates its objectives are to protect beneficial uses and achieve water quality standards, implying that the policy is designed to meet existing standards and protect already designated beneficial uses. However, much of the policy is focused on modifying existing definitions of beneficial uses or adding new ones. We question the need for designation of additional beneficial uses and additional standards rather than implementation of the existing ones. Finally, as with the proposed Excess Sediment Amendment, we question the focus on progressive enforcement as a replacement for a traditional regulatory approach.

Green Diamond appreciates the opportunity to comment and we look forward to working with the Regional Board to protect and improve water quality in the North Coast Region.

Sincerely,



Gary C. Rynearson, RPF 2117
Manager, Forest Policy and Sustainability

cc: Neal D. Ewald