

Wetland/Riparian Policy  
Deadline: 5/15/07 12 noon



# Timber Products Company

THE TREMENDOUS RESOURCE

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Song Her  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



RE: Comment Letter-Wetland and Riparian Area Protection Policy

Dear Members of the Board,

Timber Products Company (TPC) submits the following comments in regard to the proposed project entitled "Proposed Wetland and Riparian Area Protection Policy" (proposed policy). TPC manages approximately 115,000 acres of timberland, primarily in Siskiyou County in northern California. We have reviewed the informational document associated with the proposed policy and submit the following comments from our perspective as a landowner with the goal of producing high quality timber products while protecting soil, air, fish, wildlife, water resources and other public trust resources of the state.

TPC believes the scope of the policy should be limited to Alternatives 1 or 2 as outlined in the informational document. Substantial regulations and regulatory authorities exist which protect wetlands and riparian areas (including ephemeral streams) on timberlands which are no longer subject to federal oversight as a result of the SWANCC Supreme Court decision of 2001:

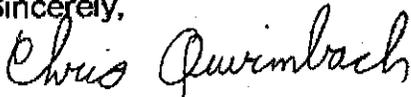
- (1) California Forest Practice Rules (Title 14, California Code of Regulations Chapters 4, 4.5, and 10). Article 6 of subchapters 4, 5, and 6 lays out the specific protection measures to be applied along wetlands and within riparian areas while there are other articles regulating silviculture, harvesting practices and erosion control, site preparation, hazard reduction, and logging roads which all have provisions for the protection of water quality. In addition, Article 2 of subchapters 4, 5, and 6 contains a cumulative impacts checklist which, among other things, requires the assessment of the potential for the effects on peak flows from proposed timber operations.
- (2) Department of Fish and Game Regulations Sections 1600-1616 cover dredging and fill operations within upland streams and Section 1611 specifically incorporates the timber harvest plan review process.

- (3) Regional water boards are using conditional waivers and general waste discharge requirements to provide further regulatory oversight of timber operations.

The State Board of Forestry and Fire Protection (BOF) has formed a Technical Advisory Committee (TAC) to review the scientific basis for many regulations protecting water quality. TPC believes that the SWRCB should coordinate with the BOF prior to initiating any effort to draft a policy which addresses wetland and riparian area protection within forested watersheds. The policy effort will be well-informed by such coordination. In addition, a lack of coordination will surely lead to duplicative policies and permitting processes, further reducing the ability of California timberland owners to compete with timberland owners in other states and countries. The informational document associated with the proposed policy cites the California Wetlands Conservation Policy (WCP) as justification for additional regulatory attention to wetlands and riparian areas. The goal of the WCP is to develop a policy framework and strategy which, among other things, will "Reduce procedural complexity in the administration of State and Federal wetlands conservation programs." Duplicative regulations are clearly contrary to the goal of reducing regulatory complexity.

TPC appreciates the opportunity to provide comments on this issue.

Sincerely,



Chris Quirnbach

Forester

RPF #2623