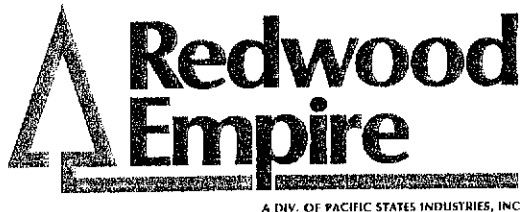


ITEM # 8
8-23-07



SANTA CRUZ FORESTRY
1395 41ST AVENUE, SUITE D, CAPITOLA, CA 95010
(831) 464-8788 • FAX (831) 464-8780

23 August 2007

Chairman Jeffery Young
Central Coast Regional Water Quality Control Board
865 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

RE: Substantial Delays in Waiver Application Approvals

Dear Chairman Young,

Since 2003, one of the most crucial aspects of the Waiver process, be they Individual or General, has been the considerable amount of time that that landowners, timber operators and mills must wait for the approved document. This fact has been well documented over the years and can be attributed several items, not the least of which is inadequate staff allocation.

Professional foresters and landowners alike have testified to the Board about the crippling effects of the 40-180 day delays experienced post THP approval. In some instances the approval of the waiver has taken almost as long that the CEQA equivalent THP approval process on which it is relies.

It is important to understand that the vast majority of waivers have no outstanding issues that derail their timely processing and approval. From discussions with Staff, it is inadequate time allocations and large workload for the one part time staff member assigned to the program that lead to substantial delays. These unwarranted delays in conjunction with the most complex, prescriptive, and monitoring laden timber program in the state, layered on top of the most restrictive Forest Practice Rules in the Nation, leave local landowners in a tenuous position. Quite simply, the current timber program is not functioning to meet the needs of the regulated community, and is disproportionately burdensome on a heavily regulated minority land use. Other waiver programs administered within the region have fractional monitoring intensity and enrollment programs that are nearly automatic upon completion of required paperwork. No delays in productivity or vital operations are inherent with that process.

Waiver approval should occur within 5-10 days of THP approval. This approval timeline would cause minimal disruption of the short, logistically complex harvest season to which we are confined. In past testimony, we have provided examples of delays, with explanations on how those delays eclipse the harvest season. Below is a timetable for an actual THP to be heard at the September meeting. Please note that Staff received the application on May 31, and was not able to make a tier determination for 35 working days, with a total waiver processing duration of 56 working days if approved in September. This now leaves us a mere 25 to 40 days of work in which to operate a THP approved on June 7th. At the onset of wet weather, operations will not likely resume for 5-7 months at a minimum. We cannot simply hire additional contractors or work faster, as there is a limited contractor, pool and work can only safely occur at certain rates.

Please take this example of how the current waiver process is causing undue damage to an entire industry and landowner base.

Eureka Gulch I THP Timeline	
	Date
THP Submission	January 29, 2007
Acceptance For Filing	February 9, 2007
First Review	February 9, 2007
PHI	March 7, 2007
2nd PHI	March 13, 2007
Second Review	May 1, 2007
End of Public Comment	May 24, 2007
Submission of Waiver	May 29, 2007
THP Approval	June 7, 2007
Request for Waiver Amendment	July 19, 2007
Waiver Amendment #1	July 19, 2007
Tier IV Determination	July 19, 2007
Waiver Amendment #2	August 15, 2007
Water Board Hearing	September 7, 2007

We respectfully request that Staff not already allocated to the Timber Program be directed to investigate possible solutions to the significant delays experienced in the Timber Waiver Program including but not limited to:

- Simplification of Waiver Application and review process
- Modification of the methodology that Staff currently employs in waiver application review
- Allocation of additional Staff, or available hours
- Waiver processing concurrent with THP process
- Changing the date of the Annual Staff Report to the Board to January
- Examine other regions Timber Programs for streamlining cues
- Examine other waiver programs for simplification and streamlining cues

Chairman Young
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We appreciate your consideration on these matters, and look forward to working with staff on resolving these important issues.

Sincerely,

A handwritten signature in black ink that reads "David Van Lennep". The signature is written in a cursive style with a large, sweeping flourish at the end.

David Van Lennep
RPF # 2591



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental Protection

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895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
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Arnold Schwarzenegger
Governor

September 24, 2007

David Van Lennep
Redwood Empire
1395 41st Avenue, Suite D
Capitola, CA 95010

Dear Mr. Van Lennep:

SUBJECT: RESPONSE TO AUGUST 23, 2007 LETTER RE: SUBSTANTIAL DELAYS IN WAIVER APPLICATION APPROVALS

Your August 23, 2007 letter (attached) to the Central Coast Regional Water Quality Control Board (Water Board) reiterated your concerns that the time frame for approval of the General Conditional Waiver of Waste Discharge Requirements for timber harvest activities in the Central Coast Region (General Waiver) is overly burdensome for the regulated community. You offered several suggestions to expedite the process. Your suggestions and staff responses are listed below:

1. Simplification of the Waiver Application and review process.

California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than to a community sewer system, file a report of waste discharge (the Waiver Application) with the appropriate Water Board containing information and data that may be required by the Water Board.

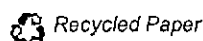
Water Board staff needs the information to determine the potential threat to water quality and to determine appropriate monitoring for each plan. Review of future applications will continue to be streamlined through an initial screening by a student assistant to determine if an application is complete and if the proposed plan is eligible for the General Waiver. Staff will continue to work with the regulated community to make the General Waiver application process as efficient as possible.

2. Modification of the methodology that Staff currently employs in waiver application review.

see 1. above

3. Allocation of additional Staff, or available hours.

California Environmental Protection Agency



Each fiscal year, Water Boards receive resource allocations from the State Water Resources Control Board (which allocates funding among the various water board organizations from the approved State budget). While we have some flexibility within our budget, most funds are allocated to specific programs and we cannot trade budgets among those programs. We could use more staff to meet all the needs of nearly all our individual programs, but the reality is that we must do the best we can with what we do have. Another reality is that we have many water quality problems in the region that are more severe than the problems we are seeing from timber. That should be a good thing from your perspective. We will continue to review the needs of the timber program and methods for using our timber budget most effectively. While both the regulated community and the environmental community agree that the Central Coast Timber Program could use more resources, we must strive to use existing resources as efficiently as possible.

4. Waiver processing concurrent with THP process.

The Water Board does not issue permits for timber harvesting and regulates only the discharges associated with harvesting operations that have received a permit from the California Department of Forestry and Fire Protection (Cal Fire). Therefore, any Discharger seeking enrollment under an Individual or General Waiver for their harvest plan must first receive harvest plan approval from Cal Fire.

At their September 2006 Board Meeting, the Water Board revised the time frame in which a Discharger may submit their Waiver Application. Instead of the date Cal Fire approves the harvest plan, the Discharger may submit their Waiver Application at the end of that process' public comment period. This allows the Discharger to submit their Waiver Application at least ten days sooner than if they had to submit the Waiver Application after Cal Fire's approval.

Allowing the Discharger to submit a Waiver Application before the end of the public comment period or sooner could introduce a significant amount of variability between the information in original Waiver Application and the information in the Cal Fire-approved harvest plan. Tracking these changes would be an inefficient and inappropriate use of staff's limited time. Therefore, processing Waiver Applications concurrent with the THP process is impractical.

5. Changing the date of the Annual Staff Report to the Board to January.

Staff agrees with your suggestion. Changing the date of the annual staff report from July to January (or the first Northern meeting location of the year) would allow staff to work on the reporting aspects of the program during the non-harvest season. In the winter, when timber harvest activities are restricted, staff would be able to spend more time

preparing the annual staff report. Additionally, staff would have more time in the spring and summer to process applications when timber harvest activities are in full operation. Water Board staff will propose their next staff report to the Water Board for the first northern Board meeting of 2009.

6. Examine other region's Timber Programs for streamlining cues.

Staff agrees with your suggestion. In July 2005, when the Water Board adopted the General Waiver, other Regional Boards had not yet established their own Timber Harvest waiver programs. Since July 2005, other Regional Boards have established their own waiver programs. Therefore, Water Board staff will incorporate assessment of these other programs in their work plan for 2008. During the review, Water Board staff will look for streamlining possibilities and propose appropriate changes.

7. Examine other waiver programs for simplification and streamlining cues.

Water Board staff will assess other waiver programs concurrently with the assessment in #6 above, and propose changes as appropriate.

Sincerely,



Roger W. Briggs
Executive Officer

Attachments:

1. David Van Lennep; August 23, 2007 letter RE: Substantial Delays in Waiver Application Approvals

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