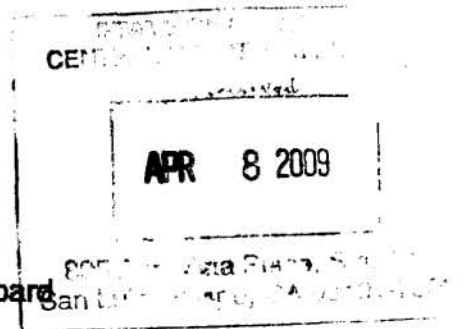




Attachment 5

April 8, 2009

Central Coast Regional Water Quality Control Board
 Roger Brigs, Executive Officer
 895 Aerovista Place, Suite 101
 San Luis Obispo, CA 93401



Subject Proposed Conditional Waiver of Waste Discharge Requirement Order No. R3-2009-0031. THP 1-09-073 SCR "Ranch"

Greetings Mr. Briggs and Members of the Region 3 Board:

From reading the "Draft Staff Report for Regular Meeting of May 8, 2009" dated March 11, 2009; I see that logging operations began on this THP some time after CDF plan approval on September 4, 2008, and the date of a notification (October 8, 2008) to Regional Board staff that active logging operations had, to that date (October 8, 2008), covered about 65 acres of logging area. Staff: "The Discharger conducted all operations outside of the Watercourse and Lake Protection Zone (WLPZ)". It is not clear if this means all WLPZ areas, or Class I or II only.

This THP contains a "Winter Operations Plan" that includes cross falling over Class II watercourses and logging of apparently all areas not inside a Class I Water Course Lake Protection Zone (WLPZ). This would naturally be the great majority of the plan area. Cross falling itself is a practice "in lieu of" the standard rule. Full log yarding and heavy truck use in the "Winter Operations Plan" continued to November 30th or 4 inches of rain according to review documents.

It is likely that a great deal more than 65 acres of plan area may have been logged by the time that the Regional Board reviews this request for coverage under the Timber Waiver. Full timber operations can resume by May 1 in a "threatened and impaired" watershed (CCR 916.9). This means that besides tree falling (which can continue through the winter period), log yarding and truck hauling will probably have resumed again before this Waiver is even considered for adoption by the Board.

Under this scenario, the total amount of plan operation that may have occurred before Waiver adoption is considerable.

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 Attachment 5
 Timber Harvest Plan 1-08-073 SCR
 Ranch
 July 10, 2009 Meeting

The staff comment on this situation is: "In response, Water Board staff will inspect the site and provide an inspection report via supplemental sheet." This document is not available at the date of this letter.

The Regional Board's Timber Waiver conditions are limited to monitoring requirements and compliance with the terms of THP approval. Regional Board staff do not comment on the operational terms of THPs and do not involve themselves with the THP Review Team process. These are the only means for the Regional Board to modify high risk logging plans.

Will monitoring data be available for the first winter of THP operations under this proposed Waiver? Does a site visit substitute for monitoring data under the Waiver? My understanding is that it does not substitute.

I request that the Board evaluate this situation and take steps to make this program more than an empty bureaucratic paper shuffle. Board Staff should be directed to at least select high risk THPs at the point of plan submission to CDF and act to impose conditions that affect actual plan operations instead of making the entire waiver process irrelevant to operational details.

Large THPs like this one are full of practices "in lieu" of the standard rule and other problems that the Regional Board should be involved with. The State Legislature acted to require the Regional Boards to issue permits because they understood that CDF is NOT acting to protect water quality. This has over time, devolved backward to a situation in which your Regional Board is actually less effective than it was before the Legislature stepped in to terminate the MOU between the State Board and CDF.

This permit request Order No. R3-2009-0031 is disrespectful of the Regional Board's authority and should be denied.

Regards,



Kevin Collins