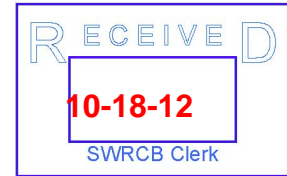




CALIFORNIA FORESTRY ASSOCIATION

PHONE 916.444.6592 • FAX 916.444.0170 • E-MAIL cfa@cwo.com • www.foresthealth.org
1215 K STREET • SUITE 1830 • SACRAMENTO, CA 95814

October 18, 2012



Jeanine Townsend, Clerk
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

*Reference: "Comment Letter – Statewide Biological Objectives Policy –
CEQA Scoping Comments."*

The California Forestry Association (CFA) would like to present for your consideration the following comments on the above-referenced policy:

CFA represents a wide array of timber and forestry related interests and organizations in California, including large and small forest landowners, forest managers, environmental scientists, registered professional foresters and loggers. We have been following the proposed "Biological Objectives Policy" for more than two years, and have been active on the Stakeholder's Advisory Group for this policy. We also have submitted our vision for an "Implementation Plan" for this policy re timber harvest operations in California. CFA members contributed a great deal of technical and professional expertise during the development of this process. Many of these individuals have extensive knowledge and history of benthic macro-invertebrate (BMI) sampling in California.

We have also expressed our shared concerns with agency staff associated with this proposed policy, including Karen Larsen from the State Water Board and Peter Ode from the Department of Fish and Game. We appreciate the willingness of these individuals to hear our comments and concerns.

At this time, CFA and its members still have on-going concerns with the possible breadth and scope of this proposed policy. We want to stress that CFA and its members fully endorse the proper regulation of forest-related activities, and fully support the overall goal of protecting water quality in California's forested streams and rivers. However, we feel that additional issues need to be brought forward during this policy's public scoping period.

Our main concerns are as follows:

Timber operations are only one of many activities and processes that take place in California's forests. Imposing biological objectives on timber harvest operations may not be indicative of possible impacts to streams and rivers from other sources. Natural processes, such as periodic floods, prolonged droughts, catastrophic fires, and landslides have major impacts on stream and river ecosystems. Additional anthropogenic-related activities, not associated with any timber operations, can include public use of forest roads, rural land development in adjacent properties, upstream hydro-modification and water diversions, and illegal operations including major impacts from the

cultivation of marijuana in rural areas. These other processes and activities will not be subject to standards developed pursuant to the biological objectives policy, yet these activities will affect the overall water quality and BMI population counts in areas where timber harvest operations are planned. This may result in timber harvest operations being the only regulated activity subject to biological objectives, and may result in regulatory consequences for these operations when the causal effect was from other sources. We believe this need to be addressed by the State Water Board.

The existing forest-related regulatory process is extensive, and needs to be carefully articulated with any biological objectives policy. The Forest Practice Rules, promulgated pursuant to the Z'berg-Negedly Forest Practice Act, effectively regulate all aspects of timber and forestry operations, including watercourse protection. Additional requirements for specific timber-related permits, including CAL FIRE Timber Harvesting Plans (THP), related CEQA-required cumulative impacts analysis, regional water board discharge permits and waivers, and Dept. of Fish and Game 1600 Stream Alteration Agreements need to be acknowledged, and any biological objectives policy needs to complement these regulatory processes, not simply add one additional regulatory process.

The possible costs and impacts of BMI sampling required by the biological objectives policy, and any regulatory fall-out from this sampling, could effectively reduce or eliminate timber harvest operations for many small landowners. Along with the actual harvest of timber during these operations, many other watershed-improvement projects are undertaken that can actually improve water quality. These include the improvement of forest roads, the mitigation of watershed issues, many of these associated with legacy mining and other activities that occurred decades ago, the establishment of fuel and fire breaks, which can effectively help protect California's forests and watersheds, as well as increased forest stand vigor and health, making them less susceptible to catastrophic insect and disease outbreaks. All these activities, currently accomplished in conjunction with timber operations, may not happen if the underlying timber harvest process is stopped because it has become economically impracticable to undertake.

BMI sampling may not be closely correlated to stream water quality in many forested regions. We continue to hear on-going concerns from many coastal landowners that BMI populations may be decreasing in areas because of increasing conifer canopy over streams resulting from past and recent forest regulations. Two important BMI groups, scrapers and shredders, are likely to be negatively affected by increased canopy cover. Reduced sunlight reaching the streams will reduce algae growth which is the food source for scrapers. And, over time, conifers will shade out alders and other deciduous trees. Alder leaves are a more important source of nutrition for shredders than conifer needles. This situation has been exacerbated with the recent adoption of the Anadromous Salmonid Protection (ASP) rules, passed by the Board of Forestry in 2009, which effectively prevents near-stream harvesting in virtually all major watercourses with anadromous salmonid. Recent conversations with various state and federal agency biologists have revealed that some of these biologists may share this opinion. If this is true, then declines in biological objectives may be the result of forest regulation not forest harvesting. This could have similar results to previous regulations requiring the removal of all large woody debris from our streams, and then realizing that large wood removal is a key contributor to the decline in salmon populations.

To address these concerns with the biological objectives policy, CFA proposes the following:


The State Water Board should begin a "trend monitoring" program in all forested regions. CFA believes that this option needs to be formally incorporated into the list of biological objectives options proposed by the State Water Board during this public scoping process. This trend monitoring would accumulate all past monitoring in either a larger geographical region, state planning watershed area, or on individual streams or rivers. This trend monitoring will then act as an effective "check" for the baseline numbers obtained from the reference sites in that region. The trends can then be used to support, refute, or modify the numeric endpoints from reference conditions in that area or watershed.

The Board of Forestry's "Monitoring Study Group" (MSG) should be used extensively to help develop baselines and future sampling strategies. The MSG has been studying forested streams for many years to evaluate the effectiveness of the Board of Forestry's environmental protection regulations. Their insights and information will be invaluable in the synthesis of the biological objectives policy and the practical application of these policies in the extensive forest-regulatory process currently in-place in California.

BMI sampling information from various sources needs to be used to help develop baseline numbers. The State Water Board should look to the extensive amount of data collected by various large forest landowners who, either as part of a required long-term monitoring process, or from voluntary stream-sampling programs, have now amassed a huge data set of BMI population numbers and trends. This parallel sampling from private landowners will be critical for both validating other agency-conducted sampling results and for possibly increasing the bank of data for areas where large data sets do not currently exist.

Forested watershed BMI sampling information needs to be compared to other watersheds in the state to provide a broader perspective on stream conditions. It is likely that forested watersheds in general are in good condition. A separate forested watershed grading system may result in high-quality forested watersheds being declared damaged when compared to reference watersheds that not only exclude any human activity, but also exclude all major natural disturbance regimes such as wildfire, and naturally occurring landslides. CFA is committed to participating in this biological objectives process, and we hope to continue discussions with the various individuals and agencies during the development of this process. I can be reached at any time for questions or further discussions. Thank you for the opportunity to comment on this important matter.

Sincerely,



David A. Bischel
President