



CALIFORNIA
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FORESTERS
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February 9, 2009

Central Valley Regional Water Quality Control Board
Timber Harvest Unit
415 Knollcrest Drive Suite 100
Redding, CA 96002

Regarding: Renewal of Resolution R5-2005-0052 Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities

The California Licensed Foresters Association, with a membership responsible for the sustained management of millions of acres of California forestland, represents the common interests of California Registered Professional Foresters. The Professional Foresters of this association are charged with managing thousands of acres of forestland in the Central Valley Region. These timberlands are regulated under the current Conditional Waiver of Waste Discharge Related to Timber Harvest Activities (Waiver). As such, the addition of fees to Categories 3 and 4 of the Waiver creates great economic concerns for landowners of the timberlands that we are charged to manage. Our comments regarding the proposed fees can be found below.

California Water Code (CWC) Section 13269 4(D) states that:

“In establishing the amount of a fee that may be imposed on silviculture operations pursuant to this section, the state board shall consider relevant factors, including, but not limited to, all of the following:

- (i) The size of the operations.*
- (ii) Any compliance costs borne by the operations pursuant to state and federal water quality regulations.*
- (iii) Any costs associated with water quality monitoring performed or funded by the operations.*
- (iv) The average annual number of timber harvest plans proposed by the operations.”*

There has been no analysis presented by the water board staff that shows the above items were considered when proposing fees to be assessed as part of the Waiver. Large and small landowners alike already bear a large financial burden in terms of the cost of

compliance with state water quality regulations. Mitigations are consistently put into practice to protect the beneficial uses of water as part of the regulations associated with timber harvesting in the state. Additionally, costs are incurred annually to comply with the monitoring and reporting portions of the Waiver. Not all operations are alike; a small landowner simply cannot afford to manage his or her property responsibly in the current regulatory climate.

Please consider the following, real life example, of how the proposed fees will impact a small landowner. This particular landowner has a 10 acre parcel. The timber from this parcel, if selectively logged, would produce an income prior to the costs associated with regulation of \$16,875 during the 2005 logging season (please note that this was a very strong timber market). The costs associated with the current regulatory climate are as follows:

- \$ 6,000 for Timber Harvest Plan preparation
- \$ 2,241 for Department of Fish and Game 1600 permit
- \$ 300 to the Archeological Information Center for a Records Search
- \$ 487 in yield taxes
- \$ 1,120 for Category 3 or 4 Waiver
- \$ 2,000 to Repair roads and pay for other possible mitigations
- TOTAL Costs of \$12,148 to comply with regulations

The total costs associated with regulation, prior to the proposed Waiver fee, made this landowner leave his timber on the stump. The total costs shown above account for 72% of the value of the timber and does not include the costs associated with the monitoring and reporting requirements that are required by the current Waiver. Road work and upgrades of watercourse crossings that would have improved water quality were not completed in this case because the costs of complying with regulation were too great. Were the beneficial uses of water protected?

The fees assessed as part of the Waiver program do not provide any new services to those who are being asked to pay. With the fees being diverted to Waste Discharge Permit Fund how does the regulated public know that the fees being collected are “*necessary to establish and implement the waiver program.*” Considering the current market conditions the regulated public should be provided with an accounting of where the proposed fees would end up and how those fees would be spent.

Furthermore, private landowners are being asked to foot the bill for the Federal Agencies that are covered under the Waiver. The proposed fees apply to Category 3 and 4 waivers, which only apply to lands under private or State ownership. Why must private landowners bear the burden of funding a program that is also used by Federal Agencies?

Thank you for the opportunity to comment on these proposed changes. We look forward to working with the Central Valley Regional Water Quality Control Board on water quality related issues in the future.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Casey Keller". The signature is fluid and cursive, with the first name "Casey" written in a larger, more prominent script than the last name "Keller".

Casey Keller, RPF #2763
President

The California Licensed Foresters Association, with a membership responsible for the sustained management of millions of acres of California forestland, represents the common interests of California Registered Professional Foresters. The Association provides opportunities for continuing education and public outreach to its membership, which includes professionals affiliated with government agencies, private timber companies, consultants, the public, and the academic community. Governed by an elected Board of Directors, CLFA was established in 1980 after the passage of the landmark California Professional Foresters Law.