



Sierra Pacific Industries

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February 15, 2010

Central Valley Regional Water Quality Control Board
Timber Harvest Unit
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Subject: Notice of Intent to Renew Resolution R5-2005-0052 ORDER NO. R5 2010
Conditional Waiver of Waste Discharge Requirements For Dischargers related to Timber
Harvest Activities (Waiver) – February 16, 2010 submittal deadline

Dear Board:

Sierra Pacific Industries supports the renewal of the conditional waiver of discharge related to timber harvest activities and strongly opposes additional fees. We believe timber harvest activities do not pose a significant threat to water quality, as multiple Best Management Practices (BMP's) are incorporated into existing Forest Practice Rules and the Forest Practice Act. Additionally, the Board of Forestry recently adopted new Anadromous Salmonid Protection rules that increase protections for riparian systems.

Our Professional Foresters and land managers have written and administered Timber Harvest Plans in California for decades. The forest industry in California is suffering due to low demand and value for wood products. Just as damaging to the survival of the industry is the high cost of doing business in California. Compliance with state mandated regulations impose much higher costs on California businesses that our competitors face in other states or countries. As the regulatory cost in California continues to increase, more and more businesses will be forced to relocate out of California or simply close their doors. For our company, we have approximately 275 enrolled waiver projects. If the first annual fee is implemented at \$1,226.40 per project, it would cost us \$337,260.00 per year.

Landowners must conduct timber harvesting using BMP's under strict guidelines set forth in the California Forest Practice Rules. Those rules include a 1 to 3 year erosion control maintenance period following completion of harvesting. Additionally, conditional waivers require landowners to report all field implementation, conduct effectiveness and forensic monitoring, any corrective actions if needed, and report all corrective actions

directly to regional water quality control boards, until a Notice of Termination is filed. This is another large hidden cost to landowners not recognized in the conditional waiver process. This required reporting is essentially a fee that landowners incur to comply with the waiver requirements.

The tax and regulatory burden in California has already forced many landowners out of long term timber management and into more intensive ventures such as subdivision and development. The proposed fee is essentially a tax increase, and is a disincentive to further long term investment in maintaining California's forests.

As professional land managers, we strive to care for the public trust resource values which include water quality and quantity. Our field practices, research and monitoring help us understand and achieve this goal.

For these reasons we encourage the Board to adopt the waiver renewal Resolution ORDER NO. R5 2010, and to replace R5-2005-0052 without fees attached.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel J. Tomascheski".

Daniel J. Tomascheski
VP Resources