

September 1, 2007

To: Board of Directors
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

From: Eric Moore
1700 Eagle Tree Lane
Felton, CA 95018

Re: Fourwaters individual timber harvest waiver

Dear members of the board,

I have been next door neighbors with the Dousmans for twelve years. During that time, I have seen them out in all kinds of weather working to make sure their land is not causing environmental problems. They have always been proactive, not reactive, when it comes to maintaining their roads and managing their slides.

I have reviewed the letters submitted for the hearing for Steve and Linda Dousman's Fourwaters Tree Farm and would like to comment on them.

First, why is your staff requiring the Dousmans to go on City of Santa Cruz property to perform their road monitoring? This constitutes trespassing and the City is right to object.

At the July 6, 2007, RWQCB board meeting in Watsonville, a board member asked "What can we do to help you with this process?" Mr. Dousman only said to please get the waiver processed expeditiously within the time allowed. Now he has been placed into a high hazard rating with extra requirements added; this appears to be an overreaction on the part of staff to punish him for speaking publicly about his problems.

Failing to attend the PHI is negligence on the part of Regional Water Quality Control Board staff, as it leaves the RWQCB out of the discussions at the time when issues may be resolved. The Sierra Club and Lompico Watershed Conservancy have reversed their previous stance and now complain they want RWQCB participation in the PHI. I fully agree with them that the RWQCB staff should be participating in the PHI process. All of the other professionals in the process would prefer to make just one review, with all parties present, and not have to deal with the RWQCB retroactively after everything else has already been settled. The time to make recommendations and non-concurrence declarations is during the PHI review cycle.

There is a large gap between the assertions being made by the Sierra Club and the Lompico Watershed Conservancy and the qualifications of the people making them to say these things with authority. The Sierra Club states “We believe that when the Cumulative Effect Ratio is over 25%, there is a high Drainage Density Index, and the road density is as high as it is in the two plans before you today, winter operations simply should not be allowed.” I would like to see documentation of this assertion from a qualified professional. The Lompico Watershed Conservancy would do well to employ a geologist when making an analysis of the geology of Fourwaters slides and the mitigations in place to handle them. Kevin Collins is not a specialist of any kind and should not represent himself as such. Kevin Collins and Jodi Frediani are professional activists; they are paid to make things as difficult as possible for anyone attempting a timber harvest.

The Sierra Club, San Lorenzo Valley Water District and Lompico Watershed Conservancy have reached the point of near hysteria over the subject of winter operations. As part of the campaign to make timber harvests as difficult as possible, they have ignored the fact that the “seasonal roads, skid roads, trails and 23 log landings” are all already in place and that mitigations have been in place and working for years. More mitigations are being done every year, regardless of your board’s decisions. There is only one road being changed, at agency request, which runs alongside a brush field on a ridge top and is being relocated to mitigate potential environmental damage. The old road will be removed and replanted. They also appear to have dismissed the fact that the winter operations proposed are of the following nature:

- If there has been no significant rain after October 15, operations may continue until there is significant rain. October 15 is an arbitrary date based on statistics of when rain has generally occurred. It does not address when the rain actually falls in a given year.
- Timber falling may occur before the opening of the harvest season. This involves only men walking with their saws, there is no heavy equipment on the roads and the landings are not opened for business. The area around the felled trees is mulched with branches, greatly reducing the chance of erosion in these locations.

These had been previously approved in the NTMP and are not subject to the Water Board’s control. Also, neither of these forms of winter operations should adversely affect water quality.

The Sierra Club and Lompico Watershed Conservancy are using herbicide and pesticide interchangeably, like they are the same thing. It is striking that the language and mistakes in these letters are so similar; clearly they are colluding with each other. Pesticides and herbicides are not the same thing and the rules governing them are different. In the last 12 years, the only use of herbicide on Fourwaters has been to aid in the removal of pernicious exotic species. Pesticides have not been used.

The RWQCB needs to take into account just what the nature of the relationship between Loch Lomond Reservoir and Fourwaters with regard to anadromous fish. Loch Lomond Reservoir, which is stocked with predatory exotic fish (bass), is downstream of Fourwaters. There are no anadromous fish making it up into the Newell Creek watershed; therefore T&I rules for the Class II stream channels are out of scope on this property. Conversely, the effect of the dam itself on sedimentation and turbidity is the responsibility of the the City of Santa Cruz, as only they can determine when and how the waters will be released downstream. I am curious: has an EIR been done to assess the sedimentation impacts of the fish release bypass at the bottom of the dam and what measures are being taken to ensure the exotic species in the reservoir are not also released downstream? Are the benefits of the fish passing through the fish release bypass sufficient to offset the sedimentation introduced?

We all agree reducing turbidity and sediment are laudable goals. I however would like to be sure first that the turbidity and sedimentation anyone is being penalized for is significantly over the background levels that would naturally be generated by the site and that the parties responsible for the turbidity and sedimentation are the ones being penalized. The monitoring proposed is insufficient to answer these questions. Suspended sediment is not added to the water only within Fourwaters; there are many ownerships making up the Newell Creek watershed upstream of Loch Lomond. The City of Santa Cruz itself should own up to a bit more responsibility when it comes to their own management practices. They say their major concern is for their watershed; they, too, own part of the watershed and I believe better management on their part would improve this situation especially in the areas of trespass and fuels management. Not until the entire watershed is monitored at each and every property boundary can one hope to find the true source of sedimentation/turbidity. This is unlikely to ever happen, since houses and other land uses are not required to monitor at the same level as private forest lands. I believe, however, if sedimentation/turbidity can be shown to be at a high level when it enters Fourwaters, then the Dousmans should not be held responsible for the condition of the water when it leaves their property. It won't matter how wide the buffers are on Fourwaters, fifty feet, 100 feet, 400 feet, if the source of the sediment is not on Fourwaters. The proposed 400 foot buffer is extreme and excessive; is this requirement also being applied to all houses upstream in the watershed? In page 5 of the Sierra Club letter, it seems to say that someone else can cause 99.9% of the pollution in a creek, but if timber causes 0.1%, and that 0.1% crosses the Basin Plan's requirements, they will be held wholly responsible. ("Discharger shall not cause turbidity to enter the stream in excess of the Basin Plan requirements.") There is a glaring inequity here.

Betsy Herbert of the San Lorenzo Valley Water District talks about "potentially contaminating activities". Note the word "potentially"; it is not "actually". A "potentially contaminating activity" is not an activity that has yet done any damage. It should have attached to it a probability that this activity will actually do something. This probability is entirely missing. The actual risk caused by the activity cannot therefore be evaluated. Until the activities are mentioned are listed with their associated probabilities, they cannot be sorted, evaluated and addressed. I would have a hard time taking seriously a "PCA" with a probability of 0.1%. I

also challenge the notion mentioned in the San Lorenzo Valley Water District's letter and the City of Santa Cruz's letter that the managed forests in the watershed are the primary PCA. The Erosion Prevention Planning Project for County Roads and Roads in the Soquel Demonstrations State Forest, in the Soquel Creek Watershed, Santa Cruz County, California Summary Report says otherwise. This study, prepared for the Santa Cruz County Resources Conservation District and the California Department of Fish and Game by Pacific Watershed Associates, evaluated all the stream crossings in the Soquel Creek Watershed and found that the public roads in the watershed were a significant potential source of sedimentation. Out of 285 stream crossings, 86% of the County stream crossings had a diversion potential, 71% had a high to moderate plug potential, 33% were actively contributing sedimentation, 78% were undersized for a 100 year storm. The Soquel Demonstration Forest had 57 stream crossings with 59% with a diversion potential, 47% had a high to moderate plug potential, 9% were actively contributing sedimentation. Each of these numbers is smaller than the statistics for the public road. So how is it that the roads in the Newell Creek watershed that are used in the winter, unlike the logging roads, and the houses that also occupy the watershed are not analyzed and assessed at all. Is this how they got a zero rating? I believe the PCA analysis should be put to field tests.

I do recommend that the Dousmans be able to use city's monitoring station data for any monitoring below Velma creek. I agree with the City that some of the data you are requiring to be collected is useless and should be dropped.

Finally a few notes about the Eureka Gulch THP. The Sierra Club talks about the statistic that 35% of Corralitos watershed was harvested in last 15 years, calling it excessive. Under current law a 100% harvest every 10 years is allowable. Please remember every harvest in the Santa Cruz Mountains is single-tree selection with generous canopy retention rules. A 100% harvest will NEVER remove every tree from the land. There's no way that harvesting less the half of what is allowable is excessive over a longer period of time.

Once again, the Sierra Club wants to see increased turbidity in the Pajaro River become the sole responsibility of the Eureka Canyon ownership, when many ownerships feed into the river. How can one ownership take care of handling the mitigations for the entire Basin Plan requirements?

I ask you again to please consider the sources of these letters when making your decisions. These people are not scientists or experts in the field of forest management, they are paid professional activists whose goal is to make make any timber harvest difficult.

Yours truly,

Eric Moore