

NOTICE

ALL FOREST LANDOWNERS WITH EXISTING NTMPs WITHIN THE NORTH COAST WATER QUALITY REGION

If you are planning to harvest timber in 2010 or early 2011 it is very important that your **Notice of Timber Operations (NTO)** be received by CAL FIRE **not later than June 4, 2010** or your operations will be subject to the new Water Quality Waiver conditions adopted by the North Coast Regional Water Quality Control Board on June 4, 2009 as Order #R1-2009-0038. These new Waiver conditions are retroactive to cover all existing approved NTMPs. All timber operations under NTOs filed after June 4, 2010, regardless when the NTMP was approved, are subject to the new, more restrictive and costly, waiver conditions.

Last year FLOC joined with the California Farm Bureau, California Licensed Foresters Association and the California Chapter of the Association of Consulting Foresters in filing a petition (appeal) to the State Water Resources Control Board asking the new waiver be rescinded and that the State Board stay the Regional Water Board's action until such time as the State Board acts on our petition. Separate petitions were also filed by CAL-Fire and by a group of four individual forest landowners. By state law the State Board must act on our petitions within 270 days, which is June 7, 2010.

On March 24, 2010 we were notified by the State Board that our request for a stay was denied. This means that until such time as the State Board acts, the new Waiver as adopted by the Regional Board is in effect. Since the State Board is technically required to act by June 7, 2010, and the new waiver does not become effective for existing NTMPs until June 5th, we were not particularly concerned about denial of our request for a stay. That has now changed: on March 30 we received a request from State Water Board staff for a 60-day extension of the 270-day deadline. On March 31 it was decided by the petitioners that it would be unwise to deny the request and the decision date will be extended to August 6, 2010, well into the active 2010 logging season. Unfortunately there is no guarantee that the State Board will make a decision by the August 6 deadline; if the State Board's staff is still not ready by the deadline they can ask the State Board for an "own motion review" which will allow the State Board to take as much time as they need to respond.

Regardless when the State Board finally takes an action on the petitions, or what decision they ultimately make, **Any NTO received by CAL FIRE by June 4, 2010 can continue to operate under the previous Waiver, Order #R1-2004-0016.** Since an NTO is valid for a period of one year, even if you do not intend to harvest in 2010 but think you might want to harvest in the first half of 2011, you should consult with your forester and make sure your NTO is filed on or before June 4, 2010.