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INDEPENDENT REGULATORY
REVIEW COMMISSION

November 19, 2009

Mr. Ken Murin, Chief
DEP-Division of Waterways, Wetlands & SWP
Rachel Carson State Office Building
P.O. Box 8775
Harrisburg, PA 17105-8775

RE: PA Clean Streams Law
Ch. 102 Erosion Control Regulations
Revisions

Dear Mr. Murin:

With regards to the proposed PA-DEP revisions to the above referenced regulations the Cambria County Conservation District offers the following comments:

We offer more definitive, clear, definition for "Forest Stewardship Plan" and add "Timber Harvesting" to be included, as there are many references to these two subjects throughout the proposed regulations. These definitions are modified from the Dictionary of Forestry, John A. Helms- Editor, Society of American Foresters (SAF), 1998, Lloyd R. Casey- contributor.

I inquired with Mr. Lloyd Casey, a PA resident, SAF colleague and professional forester for this information. He is an active consulting forester, retired from the U.S. Forest Service after a career in the State & Private Forestry section. He is past President of the PA Forestry Association and a board member of the PA Council of Professional Foresters. We recommend:

1. Forest Stewardship Plan- is one that describes prescriptions of activities that will manage all goods, benefits, and values that can be sustained for present and future generations.
2. Timber harvesting -is an intermediate or final cutting that extracts salable trees.
3. Animal heavy use areas-the proposed definition should specifically exclude timber harvesting. A timber harvest operation using horses to skid logs is not a common practice, but still occurs in PA from time to time, particularly in the Amish communities. The log landing could possibly be confused with an animal heavy use area. We believe this is not the intent of the new definition and if spelled out now in the definition, will eliminate potential interpretation problems as the new regulations are implemented.

Concerning forest buffers, we understand the value of them and the need for them to be incorporated in a forest stewardship plan. I am an approved plan writer that recommends and designs this BMP from time to time. We like the concept, however we have two comments:

1. Professional foresters should also be named as a qualified professional to design forest buffers for any non-permit or permit need. This only makes sense, if the forest buffer needs to be incorporated in a forest stewardship plan that a qualified forester is the author.
2. Timber harvesting should be allowed throughout the forest buffer. It would contribute to the sustainability of the buffer for long-term regeneration. Also, this can be done without damaging the ability of the buffer to function or cause the landowner to give up the ability to derive income from this portion of their property.

We believe that the 25 acres of disturbance limit for a timber sale to need an earth disturbance permit is adequate and should not be lowered. We have extensive experience with the forest industry and plan reviews of this nature to base this comment.

With regards to how the regulations apply to the oil and gas activities, applications of the regulations and related definitions need clarified better in the revisions, i.e. transmission facility. This was not intended to mean pipelines, but pump stations.

Sincerely,

Robert W. Piper, Jr.
District Manager

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Chambers, Laura M.

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From: Cambria County Conservation District [cccd@co.cambria.pa.us]
Sent: Wednesday, November 25, 2009 9:53 AM
To: EP, RegComments
Cc: John Dryzal; Robb Piper
Subject: PA Clean Streams Law Ch. 102 Erosion Control Regulations Revisions

INDEPENDENT REGULATORY
REVIEW COMMISSION



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Please accept the attached letter as comments to the above referenced regulation revisions. Thank you.

John Dryzal
Assistant Manager
Cambria County Conservation District
401 Candlelight Drive, Suite 221
Ebensburg, PA 15931
(814) 472-2120

