



KOCJANCIC
FORESTRY SOLUTIONS

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Environmental Quality Board
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Harrisburg, PA 17101-2301

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DEC 7 REC'D

INDEPENDENT REGULATORY
REVIEW COMMISSION

TO: Pennsylvania Environmental Quality Board
Email: RegComments@state.pa.us

FROM: Edward S. Kocjancic, President Edward S. Kocjancic Inc.

Date: November 28, 2009

RE: Comments on Proposed Rulemaking - Title 25, Chapter 102 (Erosion Control and Storm water management)

My name is Edward S. Kocjancic. I am a 1984 graduate forester from the Pennsylvania State University. I have been practicing forestry for twenty five years. I am currently President of the Consulting firm established by my father in 1967.

It has come to my attention the proposed rule making (PRM) changes to the Chapter 102 regulations. I ask that you consider my comments and trust that you will take great care in your analysis's of the effects of the proposed changes on Forest Health and the potential negative economic, and impingement of personal property rights to the citizens of our great state of Pennsylvania.

It is very well established by DEP's Integrated Water Quality Monitoring and Assessment Report that Silviculture and logging roads account for only two-tenths of one percent of the state's impaired stream miles. Forestry, Silviculture and associated logging most often does not change the use and only imposes minor and temporary earth disturbance, when Best Management Practices (BMP) are implemented under the required Erosion and Sediment Control plans currently in place. Current Chapter 102 regulations adequately address this issue through requirements for the use of BMP's, erosion and sediment control plans, and permitting of earth disturbance activities.



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Mandatory Riparian Forest Buffers (MRFB) should not be imposed with regard to forest management. The proposed change will have a very negative impact on forest health and it's productivity. MRFB's place an unfair and uncompensated burden on forest landowners, particularly small private and family ownerships. The proposed changes could affect 30% to 50% of Pennsylvania's forested acreage at a time when forest-based biomass energy will be of critical importance

Regarding the responsibility for long-term permanent operation and maintenance of storm water management systems, forestry professionals and contractors should not be burdened with perpetual maintenance responsibility or oppressive permit fees in the case of timbersale within 150 feet of an Exceptional Value stream.

The permit-by-rule has the greatest potential impact from the new proposed rules by restricting Riparian Buffer use in perpetuity. The licensed professionals defined in the PRM are not qualified to establish or manage forests and forested areas. Riparian Buffers require professional management which is clearly best provided by foresters.

In summation I ask the Environmental Quality Board to provide forestry with the same exemption from permitting, forested riparian buffers and E&S plan requirements, as is currently provided to agricultural activities. Forestry silviculture and timber harvesting in riparian buffers particularly within the inner zone must be maintained. The Environmental Quality Board must ensure that the proposed additions to the E&S plan can be completed by the present foresters and forest professionals provided that they have been trained in the use and practice of Best Management Practices. The current threshold of 25 acres of disturbance is more than adequate given the low degree of evidence reported by DEP regarding silviculture and loggings impact on the impairment of Pennsylvania's streams.

The imposition of overreaching standards to the management of constantly changing forest ecological systems will benefit no one. Professional forest managers are vital in the continuation and improvement of our state's water quality. I aver that there is probably not another profession in Pennsylvania that provides for the protection and promotion of water quality than forester's provide right now.

I commend the EQB and DEP for being a vigilant protectors of Pennsylvania's water resources. However the proposed changes need more input from forest professionals and should not be accepted in their present form given the broad scope and regulatory expansion they provide. The potential devastating effects these changes will have on Pennsylvania's forest health and economy are far to great given the undocumented evidence of benefit.

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Chambers, Laura M.

From: ESK Inc. [eskinc@verizon.net]
Sent: Friday, November 27, 2009 9:41 AM
To: EP, RegComments
Subject: Comments

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Please see attached.

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