

**Garland Gilmore
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Canyon City, OR 97820**

DEQ

MAR 15 2011

Water Quality

To: Andrea Matzke
Oregon DEQ-Water Quality Division
811 SW 6th Ave
Portland, OR 97204

Re: DEQ Toxics Reduction Rulemaking Package

I am a family forest landowner and I have been managing my property for over 30 years in the Bear Valley area near John Day, Oregon. I am very concerned about the proposed Human Health Toxic Pollutants rules and how this increased regulation will affect my ability to manage my forestland in Oregon.

I believe the Oregon Forest Practices Act has significantly improved water quality in Oregon as it relates to pollution from non-point forest management operations.

Any regulation and enforcement of forestry practices should come directly from the Oregon Department of Forestry and no other agency. Oregon statute requires landowners to conduct forest management operations in compliance with the Forest Practices Act. ORS 527.770 states that a forest operator conducting, or in good faith proposing to conduct, operations in accordance with best management practices currently in effect shall not be considered in violation of any water quality standards. I am not aware of any Oregon law that provides direct enforcement authority over forest landowners to either the EQC or DEQ, and I oppose any proposal to establish such an authority.

It is critical that any water quality regulation of forestry operations remain under the direction and enforcement of ODF, through the practical best management practices based on sound, peer reviewed, science. If DEQ continues to move forward with the proposed rulemaking language, I believe family forest landowners could very likely be subject to unreasonable and economically inefficient rules that force families to sell their forestland.

I oppose DEQ's establishment of TMDLs on forestlands in Oregon. Any attempt by DEQ to directly regulate forestry operations through any mechanism, particularly TMDLs would be in direct conflict with Oregon law.

I support formal comments and suggested rule language changes submitted by the Oregon Small Woodlands Association (OSWA). As an active participant of the DEQ stakeholder group, I know OSWA seeks to find a positive balance between the need to maintain water quality standards in Oregon and keeping family forestlands economically viable so families can maintain ownership of the lands that contribute a variety of valuable products and services to Oregonians and our nation.

Recent reports state that a sizable amount of private timberland has been taken out of timber production and sold as private residences. We are a small woodland owner and have had several operations that have supported our daughters' college education. We also live next door to a national forest land that had a catastrophic burn and is now a dead forest. The beetles and woodpeckers have migrated to our property and have destroyed much of the timber. Our local mills have all but shut down and the timber market has gone down so we have harvested on our own taking into account a spring water run-off that supports ducks, geese, sandhill cranes and other wildlife as well as the trees. Since we have harvested under the governance of the Forest Practices Act, our trees have regained their vitality, we have no measurable bug kill, and the wildlife is thriving including porcupines, badgers, hawks, owls, deer, and elk. The run-off has increased and the wildlife reproduction has increased as well as the growth of the timber and grass in the meadows of the run-off in the spring. All on only 40 acres. We are retired and our children do not live in Oregon. We will eventually have to sell. We will have a choice of selling to the highest bidder or to a timber trust to maintain the integrity of the forest. If we become regulated by DEQ to the point that we cannot afford to maintain the integrity of the forest we will be forced to sell to a land developer or private owner.

Sincerely,

Garland Gilmore