

James E. Belknap
77898 Chisholm Trail Drive
Cottage Grove, OR 97424

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

March 7, 2011

Re: Modification of Human Health Criteria for Toxic Pollutants Rules

Dear Ms. Matzke:

My family has owned forest land properties since 1946, my wife and I have been involved in the ownership since 1974. We own 38 acres of timberland southeast of Cottage Grove where we live and 190 acres of land southwest of Corvallis where my wife grew up. Our eldest daughter has most recently lived on the Corvallis farm though she is now in Boston pursuing her doctorate. Our Corvallis property has approximately 5,000 feet of frontage on a fish bearing stream called Duffy Creek or Gleason Creek, depending on which map you are looking at. I have a degree from Oregon State University in finance and forestry. Our timberland holdings encompass a little over 2 million board feet of merchantable timber and many acres of reproduction varying in age from 3 to 25 years.

I am writing to express my concerns about the proposed Human Health Toxic Pollutants rules and what will be the increased regulation of our family's lands. In particular I am concerned that such regulations will be imposed by people, who though they have the best of intentions, have little or no knowledge of the various aspects and requirements of forest management. I was attending Oregon State when the Forest Practices Act was first adopted in Oregon and have watched over the past 30 years as water quality in forest land areas has steadily improved as it relates to forest management operations. I believe this statement is borne out by the facts and is not merely a subjective opinion. This improvement is based on what has been an excellent law, the Forest Practices Act, ORS 527.770, and the work of knowledgeable enforcers of that law, the Oregon Department of Forestry.

Oregon landowners are required to conduct forest management operations in compliance with the Forest Practices Act based on the best management practices currently in effect. Those management practices have been adopted by sound, peer reviewed science. I have enjoyed being part of improving those best management practices on our lands as we have become more knowledgeable in the areas of road construction, logging practices, slash disposal, reforestation and brush control. Much has also changed as new styles of equipment have been designed and put into operation. In my forest operations I have always found the representatives of the State Department of Forestry, in particular the Forest Practices Foresters, to be not just enforcers of the law, but teachers of how best to manage our lands.

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MAR 09 2011
Water Quality DEQ

Andrea Matzke
Oregon DEQ- Water Quality Division
March 7, 2011
Page 2

I am stridently opposed to any changes that will turn over to the Environmental Quality Commission or the State Department of Environmental Quality the enforcement of laws regulating our forest practices. My opposition to the DEQ assuming regulatory roles in forestry operations is based on the following primary beliefs:

1. There are no provisions in Oregon law that allow for such regulation. To the contrary, efforts by the DEQ to directly regulate forestry operations, particularly through the management of TDMLs, would be in direct conflict with Oregon law.
2. The people who will enforce such regulations are not knowledgeable of the best practices to be employed in forest management.
3. The "layering" of regulations by multiple agencies does not contribute to the efficiency of government, nor does it add to the quality of the outcome.

Our family has been members of the Oregon Small Woodlands Association for several decades. OSWA has been a vocal supporter of measures to maintain quality water standards in Oregon, while also advocating for the economic viability of family forest ownership.

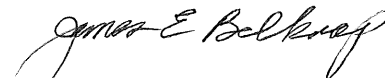
As forest practices have changed over the years the principal impacts in our family's operations have been in how we construct our roads and in the protection of riparian areas, particularly with our Corvallis property. While we have always strived to protect our portion of Gleason Creek, the most recent changes in the Forest Practices Act have caused us to re-evaluate how we manage our lands along the small, un-named tributaries to the creek, in particular with attention to how our actions have affected water temperature and the introduction of sediment. These actions have placed limits on our ability to derive income from our land, but are supported by good science and are in concert with our family's commitment to stewardship of our land.

In September of 2010, in partnership with the Mary's River Watershed Council, we removed two road crossings with large culverts that were placed in the late 1970s for access to portions of our property for forest management purposes. The culverts, two side by side, each 60 inches in diameter and 30 feet long, were placed in accordance with the regulations of the Forest Practices Act at the time. Over the years we have observed how such water crossing systems can become fish passage barriers and such road construction activities would not be allowed today. Our culverts were a good example of the problems associated with fish passage and we were pleased to be able to replace them with open arch culverts and return the creek bottom to its native state. The barriers that had resulted have now been removed. We are also working with the Mary's River Watershed Council in placing logs and other woody structures to provide for enhanced beaver habitat and are providing logs from our property for 16 structures that will be constructed on our land and neighboring properties. I believe this is good example of the refinement of the Forest Practices Act over the years and the personal level of commitment many small woodland owners make to water quality.

Andrea Matzke
Oregon DEQ- Water Quality Division
March 7, 2011
Page 3

In an era of declining revenue for government I do not believe it is in our state's best interest to be expanding the role of such government when there is no demonstrated need. The laws available to the State Department of Forestry and the skills of their foresters are more than adequately meeting the needs of our citizens in continuing to insure that our forest operations are conducted in the best manner possible to provide for our water quality.

Sincerely,



James E. (Jim) Belknap

cc: Senator Floyd Prozanski
Representative Bruce Hanna
Oregon Small Woodlands Association