



June 22, 2012

Jeremy Bauer
Office of Water
Office of Wastewater Management
U.S. Environmental Protection Agency
Mailcode: 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Attn: Water Docket ID No. EPA-HQ-OW-2012-0195

Dear Mr. Bauer:

The Council of Western State Foresters (CWSF) respectfully submits the following comments in response to the U.S. Environmental Protection Agency's (EPA's) publication of the Notice of Intent (NOI) to Revise Stormwater Regulations to Specify that a National Pollutant Discharge Elimination System (NPDES) Permit is not Required for Stormwater Discharges from Logging Roads. 77 Fed. Reg. 30473 (May 23, 2012). The CWSF membership includes the directors of state forestry agencies in the seventeen western states and six Pacific Island Territories of the United States. The mission of the CWSF is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests. We appreciate the opportunity to provide comment on the NOI.

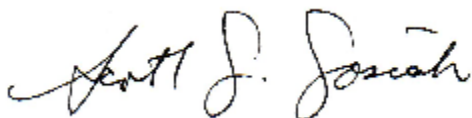
We understand from the NOI that the EPA intends to simultaneously work to (1) propose revisions to Phase I of the stormwater regulations to specify that stormwater discharges from logging roads are not stormwater discharges "associated with industrial activity"; and (2) study the water quality impacts of forest roads and the existing Best Management Practices (BMP's) to determine if any additional measures from the EPA are necessary to ensure water quality. The CWSF supports the EPA's effort to expeditiously move forward with revisions to the Phase I stormwater regulations as outlined in the NOI. As recognized in the NOI, this action is necessary to provide clarity to forest landowners regarding any obligation to seek a permit under

the Clean Water Act following the holding in *Northwest Environmental Defense Center (NEDC) v. Brown*.

Further, the CWSF and individual member states look forward to continuing to engage with the EPA as the agency undertakes efforts to better understand the various state-based BMP approaches that apply to roads utilized for silvicultural activities. We understand that the EPA's larger effort to study the impact of forest roads will look at all roads that exist within forested landscapes, deemed "forest roads" under the NOI and not be constrained to "logging roads" or those roads that are utilized for silvicultural operations, as was the holding in *NEDC v. Brown*. Due to the complexity of ownerships, forest types, and road systems that exist in our Nation's forests, this broader set of "forest roads" may exceed the scope of roads covered under state-based forestry BMP programs. Given the vast diversity of road systems within our forests, careful consideration of any designation of a subset of forest roads for action under the Clean Water Act §402(p)(6) will be of the utmost importance. Finally, we hope that the EPA will work toward a solution that utilizes and recognizes the proven and long-standing state-based BMP programs to control stormwater runoff from forest roads associated with silvicultural activity.

The CWSF appreciates the efforts of the EPA to provide clarity that discharges from logging roads do not constitute industrial activity under the Clean Water Act and we look forward to providing further comment as appropriate on the actions outlined in the NOI. Again, thank you for the opportunity to provide comment on the NOI. Please contact CWSF Governmental Affairs Director, Brent Keith (brent.keith@colostate.edu or 303.445.4366), with any questions or to request additional information.

Sincerely,



Dr. Scott J. Josiah
Nebraska State Forester and
Chair, Council of Western State Foresters