



June 12, 2009

The Honorable Barbara Boxer
 Chairman
 Committee on Environment and Public Works
 410 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairman Boxer:

Thank you for the opportunity to review and comment on the most recent compromise language for the Clean Water Restoration Act (S. 787). The National Association of State Foresters (NASF) and our members share your commitment to protecting water quality and appreciate your efforts to clarify Federal Water Pollution Control Act (Clean Water Act) jurisdictional issues through the Clean Water Restoration Act (S.787) and the current compromise language. Based on our initial review, we believe the compromise maintains critical silviculture exemptions and appears to sustain regulations identifying forestry activities as a non-point source. Although NASF cannot completely endorse the bill without sufficient opportunity for our members to fully evaluate the compromise language, we believe that the changes made to S. 787 have addressed many of our major concerns and provides a strong platform for moving forward.

NASF is a non-profit organization that represents the directors of forestry agencies from the fifty states, eight U.S. territories and associated states, and the District of Columbia. NASF members are deeply committed to water quality protection and represent the public interest in administering best management practices (BMP) programs that control non-point source water pollution from forestry activities. These state-level forestry BMP programs are one of the nation's great environmental success stories. Sections 319 and 404 of the Clean Water Act provide the foundation for this success.

In our assessment, the compromise maintains critical long-standing BMP (Section 319) and exemption (Section 404) provisions for forestry activities. Section 404 exemptions are especially important in the forestry context because regulatory burdens serve as a disincentive for forest landowners to maintain forest cover. Conversion to non-forest uses (e.g., urban or industrial development) results in far greater risks to water quality. The compromise also appears to ensure that current National Pollutant Discharge Elimination System (Section 402) regulations designating forestry activities as non-point sources will be carried forward. This common sense approach is also critical because it recognizes that complex, expensive, and time-

Executive Director
 Jay Farrell

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consuming permitting and regulatory processes are not necessary to control the dispersed and relatively low-impact sources of non-point source pollution generated by forestry activities.

In conclusion, the National Association of State Foresters (NASF) commends you for your leadership on water quality and the efforts of the Committee to clarify Clean Water Act jurisdiction issues. We appreciate the efforts to address our concerns and will continue to analyze the compromise draft with our members. We look forward to working with you further on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah W. MacSwords". The signature is written in a cursive, flowing style.

Leah W. MacSwords
President

CC: Senator Max Baucus