



California Regional Water Quality Control Board North Coast Region

Resolution No. R1-2015-0007

Expressing appreciation to

The Office of Attorney General

- WHEREAS, The members of the California Regional Water Quality Control Board, North Coast Region, wish to thank the Office of the Attorney General for its service to the people of the State of California as defense counsel; and
- WHEREAS, In December 2006, Pacific Lumber Company and Scotia Pacific Company LLC filed suit against the State of California, the State Water Resources Control Board and the North Coast Regional Water Quality Control Board for alleged breach of the *Headwaters Agreement*; and
- WHEREAS, The law suit sought money damages estimated at over \$700 million and injunctive relief that would limit the Water Boards' ability to protect rivers of California's north coast under the authority of California's Porter-Cologne Act and the federal Clean Water Act; and
- WHEREAS, By March, 2009, and as a result of successful motions filed by the Attorney General's Office, and argued by Dan Harris, the case was transferred from Fresno to Sacramento Superior Court, and all non-damages allegations were stricken from the complaint; and
- WHEREAS, On December 16, 2011, after hearing stellar oral argument from Deputy Attorney General Jan Zabriskie and in a full reversal of its negative tentative decision, Judge Raymond Cadei granted complete summary judgment in the State's favor; and
- WHEREAS, On December 4, 2013, the appellate court issued a 36-page, published, unanimous decision affirming in full the trial court's judgment in *Avidity Partners LLC v. State of California* (2013) 221 Cal.App.4th 1180; and
- WHEREAS, After the California Supreme Court denied review in 2014, the Appellate ruling stands and the decision is final, ending the seven-year litigation defense effort; and
- WHEREAS, A number of people at the Office of the Attorney General on the litigation team worked very hard on this case and made invaluable contributions to the defense

NOW, THEREFORE BE IT RESOLVED that the members of the California Regional Water Quality Control Board, North Coast Region, express their sincere appreciation to the individuals on this team at the Office of the Attorney General for their service to the people of the State of California.

John W. Corbett

David Noren

Geoffrey Hales

William Massey

Gregory Giusti

Valerie Minton