



Linda S. Adams
Secretary for Environmental
Protection

California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman

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Arnold
Schwarzenegger
Governor

August 12, 2009

Elizabeth Miller Jennings, Esq.
Office of Chief Counsel
State Water Resources Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Dear Ms. Jennings:

Subject: Petition of Weger Interests, Ltd., Parker Ten Mile Ranch, Bradford Ranch, Miller Tree Farm, and PRH Comptche Properties, Public Notice for Order No. R1-2009-0038, *Categorical Waiver of Waste Discharge Requirements for Timber Harvest Activities on Non-Federal Lands in the North Coast Region*.

By letter dated August 5, 2009, the State Water Resources Control Board (State Board) requested a response from the North Coast Regional Water Quality Control Board (Regional Board) addressing whether petitioners received notice in the matter of Order No. R1-2009-0038, *Categorical Waiver of Waste Discharge Requirements for Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (the Categorical Waiver), and any relevant information concerning the notice requirements and how they were addressed.

Water Code section 13269 (waiver of waste discharge requirements) requires the regional board to give notice by publication pursuant to Government Code section 11125. Under Government Code section 11125, notice of a meeting must be provided to any person who requests that notice in writing. Notice shall be made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting. Written notice shall include the address of the Internet site where notices required by this article are made available. The notice of a meeting shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words.

In addition, Government Code section 11125.9 requires that regional water quality control boards notify, in writing, (1) all clerks of the city councils and county boards of

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supervisors within the regional board's jurisdiction of any and all board hearings at least 10 days prior to the hearing; and (2) all newspapers with a circulation rate of at least 10,000 within the regional board's jurisdiction of any and all board hearings, at least 10 days prior to the hearing.

Regional Board Meeting Announcement

On May 14, 2009 The Regional Board staff provided notice of its June 4, 2009, public hearing to consider adoption of the Categorical Waiver (Attachment 1). This notice was mailed to a list of interested parties (Attachment 2) and posted on our website. The interested parties list includes people who have requested written notice of Board actions. The notice was posted more than 10 days prior to the meeting, includes a reference to the Regional Board website where documents are located, and contains a general description of the Categorical Waiver item.

30 Day State Clearinghouse Comment Period

Regional Board staff conducted an Initial Study and prepared a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA). On April 9, 2009, staff submitted the CEQA documents along with a draft Order to the State Clearinghouse. On that date, staff posted a Notice of Public Hearing and Proposed Negative Declaration on the Regional Board web site along with the CEQA documents. In addition, staff sent the Notice (Attachment 3) and accompanying documents to a focused interested parties list (Attachment 4). It should be noted that the "Foresters of Record" for each of the petitioners' Non-Industrial Timber Management Plans (NTMP), Craig Blencowe and Darcie Mahoney, both were notified of the proposed revisions to the Categorical Waiver and the June 4, 2009 Board Meeting to consider adoption of the Order. Registered professional foresters prepare the plans and provide professional advice throughout the timber operations.

Public Workshop

On March 24, 2009, the Regional Board staff held a public workshop in Fortuna to provide interested parties with information and to receive early comments regarding the proposed revisions to the Categorical Waiver. Staff posted a Public Notice (Attachment 5) of the Fortuna workshop on the Regional Board website on March 10, 2009. The Public Notice includes notice and information regarding the June 4, 2009, Board meeting. By March 12, 2009, this same notice was published in all four North Coast newspapers, including:

Press Democrat, Santa Rosa
The Triplicate, Crescent City
The Times Standard, Eureka
Siskiyou Daily News, Yreka

Regional Board staff sent the Public Notice and workshop announcement to various interested parties in the period prior to the March 24, 2009 workshop, as follows:

- March 10 – A group of Major Timberland owners in the Region;

- March 16 – Duane Shintaku and Leslie Markham of the California Department of Forestry and Fire Protection (CalFire);
- March 20 –draft Order posted on Website and PDF version, along with a copy of the Public Notice sent to a group of 30 interested parties.

Additional Early Outreach

On March 16, 2009, Regional Board staff sent a Public Notice of the upcoming waiver revision and Board meeting to the California Licensed Foresters Association. CLFA's April 2009 newsletter included information about the waiver revision as well as the June 4th, 2009 Board Meeting (Attachment 6).

In addition to the workshop in Fortuna, Regional Water Board staff participated in a separate meeting in Yreka on April 8, 2009 to discuss water quality issues specific to Siskiyou County. In that meeting, proposed revisions to the Categorical Waiver constituted a significant portion of the discussion. Siskiyou County staff emailed notice of the meeting (Attachment 7) and the agenda to various interested parties in Siskiyou County. Attachment 8 is the list of meeting participants.

The Regional Board's Senior Staff Scientist for Timber Harvest (Dave Hope) and the Timber Harvest and Nonpoint Source Division Chief (Bob Klamt) provided information at two CalFire-sponsored workshops in Ukiah on December 10, 2008 and in Eureka on January 14, 2009. Regional Board staff made a point of providing information on the waiver revision, the process and the availability of materials, including the hearing date, at those workshops. Staff fielded questions on the waiver itself, the process, and how to obtain documents. Additionally, Bob Klamt presented a summary of the draft waiver and the revision process at a state Board of Forestry meeting in Sacramento on May 5, 2009. Several foresters and interested persons attended that public meeting.

The Regional Board provided formal noticing, both broad (newspapers and timber industry groups) and specific (individual foresters and interested parties), and conducted extensive early outreach efforts in order to make materials and staff available to answer questions from the timber industry and interested parties. The Regional Board met all the noticing requirements of Government Code section 11125 cited above.

Sincerely,



Catherine Kuhlman
Executive Officer

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Enclosures:

Attachment 1 – May 14, 2009 Board Meeting Announcement
Attachment 2 – Interested Parties List
Attachment 3 – Notice of Public Hearing and Mitigated Negative Declaration
Attachment 4 – Focused Interested Parties List
Attachment 5 – Notice of March 24, 2009 Public Workshop
Attachment 6 – April 8, 2009, Siskiyou County Meeting Announcement
Attachment 7 – List of Participants in April 8, 2009, Siskiyou County Meeting
Attachment 8 – April 2009, CLFA Newsletter

Cc:

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Miller Tree Farm, Wayne and Joan Miller, 10 Highland Court, Orinda, CA 94563
RPH Comptche Properties, Eugenia Herr, P.O. Box 446, Philo, CA 95466
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Ms. Ruthann Schulte, Executive Director, The Buckeye Conservancy, Ms. Julie Houtby,
Vice-Chair, P. O. Box 5607, Eureka, CA. 95502
Mr. William Keye, California Licensed Foresters Association, Mr. Casey Keller,
President, P.O. Box 343, Camptonville, CA 95922
Mr. Randy Jacobszoon, Association of Counseling Foresters of America, California
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Ecc:

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