

Minutes of Meeting

9:00 A.M., Thursday, December 10, 2020
Regional Water Quality Control Board
Video Conference

Thursday, December 10, 2020

Video recordings of Board meetings (since 2/2019) are available at:

[Prior Board Meeting Video recordings.](#)

Audio recordings of Board meetings (11/2018 and before) are available at:

[Prior Board Meeting Audio recordings](#)

- i. **Pledge of Allegiance:** Board member Giusti led the Pledge of Allegiance.
- ii. **Roll Call and Introductions:**

Board Members present: Hector Bedolla, Kelli Gant, Gregory Giusti, Shaunna McCovey, and Valerie Quinto.

Regional Water Board staff present: Patti Corsie, Clayton Creager, Gil Falcone, Nathan Jacobsen, Kaete King, Heaven Moore, Matt St. John, Claudia Villacorta, Chris Watt, and Jonathan Warmerdam.
- iii. **Board Member Reports and Ex Parte Communication Disclosure:** Chair Quinto stated that the Board met in Closed Session at the October Board meeting to review Matt St. John's, Executive Officer, performance and wanted to publicly report that the Board provided a positive review and want to express the Board's gratitude for Matt's leadership as the Executive Officer. Board member Giusti reported he had conversations with 1) Lake County Fish & Wildlife Advisory Board Committee regarding Lake County's concerns with the proposed removal of Scott Dam which could have impacts to Lake County; 2) A group of individuals interested in the Board's possible role in the planned removal of the old Laramie Bridge and the construction of a replacement bridge.
- iv. **State Board Liaison's, and Executive Officer's Reports:** State Board Liaison Dorene D'Adamo gave a comprehensive update on recent as well as upcoming State Water Board actions. See Item 5 for Executive Officer's Report.
- v. **Public Forum:** No speaker requests for Public Forum.

1. Approval of Meeting Minutes: October 15, 2020

Motion: Board member Gant moved to adopt October 15, 2020 Meeting minutes, Board member Bedolla seconded the motion; Chairwoman Quinto initiated a roll-call vote:

Giusti aye
Gant aye
Quinto aye
McCovey aye
Bedolla aye

Motion passed unanimously

Action Item

- 2. Public Hearing on Order R1-2020-0032 to consider adoption of proposed Waste Discharge Requirements (WDRs) and Clean Water Act section 401 Water Quality Certification (401 Certification) and attached Monitoring and Reporting Program (MRP) for Sonoma County Water Agency (Sonoma Water) Stream Maintenance Program, WDID 1B09026WNSO.** Kaete King, Environmental Scientist, Southern Nonpoint Source & 401 Certification Unit, gave a presentation and program overview of the proposed Order and MRP, which regulates Sonoma Water's Stream Maintenance Program (SMP) within the North Coast Region, and introduced Keenan Foster, Principal Environmental Specialist, Stream Maintenance Program at Sonoma Water Agency, who gave an overview of the Stream Maintenance Program that utilizes a watershed perspective that provides flood protection and ecological uplift, utilizing a data driven approach to manage resources, engages an onsite and offsite multi-partner mitigation strategy, and provides regional benefits and flexibility for new opportunities and challenges.

Board member Giusti expressed his thanks and appreciation for both presentations and the discussion of the complexities of the objectives and scope of the Order, including addressing legacy impacts, and the impacts from fire, trash, and homelessness on the waterways that Sonoma Water manages; and Mr. Guisti complimented Sonoma Water Agency's implementation of the SMP. Chair Quinto appreciated both presentations and all the incredible work that has gone into this program. Board member Bedolla thanked both for their work and consistency throughout the years and documenting all the work completed.

Motion: Board member Bedolla moved to adopt Order R1-2020-0032, Board member McCovey seconded the motion; Chairwoman Quinto initiated a roll-call vote:

Giusti aye
Gant aye

Quinto aye
McCovey aye
Bedolla aye

Motion passed unanimously

Information Items

- 3. Overview of Klamath Dam Removal & Project Site Restoration Activities, Schedules, and Permitting Approach.** Clayton Creager, Watershed Stewardship Coordinator, introduced all presenters and gave the background and history of the Klamath Dam removal agreement milestones, and the ongoing water quality restoration projects. Diane Barr, Camas, LLC, reviewed the design-build team organization, the project and FERC process timelines, pre-drawdown plan, infrastructure, and hatchery improvements, along with public safety measures. Gary Jara, Kiewit Corporation, gave an overview of each individual dams (JC Boyle, Copco 1, Copco 2, Iron Gate Dams) to be removed, along with the transmission and distribution lines. Ms. Barr reviewed the Management Plan implementation plan. Dave Coffman, Resource Environmental Solutions (RES), gave an overview of the sediment evacuation plan during the pre- and post-drawdowns, the restoration goals and activities in the reservoir areas to include seed collection, revegetation, and invasive exotic vegetation (IEV) management control measures. Richard Roos-Collins, Klamath River Renewal Corporation, gave the closing remarks, with thanks to all the partners of this project. Heaven Moore, Senior Water Resource Control Engineer, NPDES Unit gave a presentation on the Regional Water Board's permitting responsibility of enrolling the project, anticipated in Summer 2021, under the Construction General Permit (GCP) and the planned issuance of a Time Schedule Order (TSO) concurrent with CGP enrollment to identify project milestones related to restoration and other non-standard construction activities; Ms. Moore also outlined plans for Board consideration of a new NPDES Permit for the Fall Creek Fish Hatchery anticipated by December 2021.
- 3. Groundwater Basin Evaluation – Summary of Process and Preliminary Results** Chris Watt, Senior Engineering Geologist, Groundwater Specialist, gave an update on the basin evaluation and prioritization process and presented the preliminary results for the 62 groundwater basins evaluated in the North Coast Region. Based on this evaluation, the Regional Water Board will prioritize basins where salts and nutrients are a threat to groundwater quality and that would benefit from salt and nutrient management planning. The Regional Water Board will also use the evaluation process to categorize basins having a relatively low threat from salts and nutrients and thus would not benefit from salt and nutrient management planning. At the April 2021 Board meeting, the Board will consider a Resolution with the recommended list of basins having an elevated threat from salts and nutrients. At the April 2021 Board meeting staff will also include a brief synopsis of potential implementation approaches to protect high groundwater quality and improve degraded groundwater quality within the region.

4. **Executive Officer's Report.** Matt St. John, Executive Officer, updated the Board that Alydda Mangelsdorf, Division Chief, Planning & Stewardship Division, is actively working on developing a Climate Change Adaptation Strategy; she has interviewed the Regional Board Executive team and she and Mr. St. John propose to interview each Regional Board member to get their input on technical, regulatory, and non-regulatory tools that are available to the North Coast Region to address the impacts from climate change and to inform the development of a Policy Statement on Climate Change Adaptation.
5. **Board Member Requests for Future Agenda Items and Other Items of Interest.** No Board member requests made.

Meeting adjourned at: 1:05 p.m.

Friday, December 11, 2020

9:00 A.M., Friday, December 11, 2020
Regional Water Quality Control Board
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- i. **Pledge of Allegiance.** Board Member Bedolla led the pledge.

- ii. **Roll Call and Introductions.**

Board Members present: Hector Bedolla, Kelli Gant, Gregory Giusti, Shaunna McCovey, and Valerie Quinto.

Regional Water Board staff present: Heidi Bauer, Patti Corsie, Josh Curtis, David Fowler, Nathan Jacobsen, Josh Luders, Heaven Moore, Paul Nelson, Jeremiah Puget, Matt St. John, Brendan Thompson, and Claudia Villacorta.

7. **Public Hearing on Administrative Civil Liability Complaint No. R1-2020-0027 against Sonoma Luxury Resorts LLC, for the Saggio Hills Development Project Site (a.k.a. Montage Healdsburg) (Site), 16840 Healdsburg Avenue, Healdsburg, CA 95448.**

On January 21, 2020, Regional Water Board Assistant Executive Officer (AEO) Claudia Villacorta issued Administrative Civil Liability Complaint (ACLC) No. R1-2020-0009 (subsequently amended via ACLC No. R1-2020-0027) (Complaint) to Sonoma Luxury Resort LLC (SLR), the developer of a luxury hotel and residences on a 258-acre property in the hills in the northern portion of the unincorporated urban boundary of the City of Healdsburg, in Sonoma County (Site). The Complaint alleges thirty-eight violations, including unauthorized discharges of sediment and sediment laden water totaling 9.4 million gallons from the Site into tributary streams (Foss Creek and Lytton Creek) of the Russian River, based on evidence that SLR failed to

implement the requirements of State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit or CGP) and meet the conditions of the Clean Water Act Section 401 Water Quality Certification issued to SLR (401 Certification) while conducting construction work on the Site. The Complaint proposes that the Regional Water Board assess discretionary penalties in the amount of \$6,425,680 pursuant to California Water Code sections 13385, subdivision (e), and 13327, as well as the 2017 Enforcement Policy.

Prosecution Team: Jeremiah Puget, Senior Environmental Scientist, Groundwater Permitting Unit; Diana Henriouille, Senior Water Resources Control Engineer, Enforcement Unit; Heidi Bauer, Senior Engineering Geologist, Cleanup Unit; Paul Nelson, Engineering Geologist, Cleanup Unit; Josh Luders, Water Resources Engineer, NPDES Unit; Heaven Moore, Senior Engineering Geologist, NPDES Unit; Claudia Villacorta, Assistant Executive Officer, North Coast Regional Board; and Daniel Kippen, Senior Staff Counsel, Office of Enforcement State Resources Control Board.

Advisory Team: Matt St. John, Executive Officer, North Coast Regional Board; Nathan Jacobsen, Staff Counsel, State Resources Control Board, Brendan Thompson, Environmental Scientist, NPDES Unit; and David Fowler, Engineering Geologist, Southern Nonpoint Source & Forestry Unit.

SLR Team: Robert S. Green, Jr., Sonoma Luxury Resort, LLC.; Fred Blum and Earl Hagstrom, Attorneys at law, Bassi, Edlin, Huie & Blum.

Chair Quinto opened the hearing, introductions were made and the Chair reviewed the rules of the hearing for all parties. Parties were provided opportunity to address hearing procedures and Chair Quinto's pre-hearing ruling. (The hearing was transcribed by a court reporter, the transcription provides a complete accounting of the hearing including all objections raised, which are not included here.)

- Claudia Villacorta gave opening remarks for the Prosecution Team.
- Fred Blum gave opening remarks for SLR.
- Prosecution Team presented its Case in Chief (Claudia Villacorta, Heaven Moore, Jeremiah Puget.)
- Dan Kippen called witnesses: Claudia Villacorta, Heaven Moore, Jeremiah Puget, Josh Luders, Paul Nelson, Heidi Bauer from the Regional Water Board, and Clay Thistle, City of Healdsburg, Senior Engineer, Public Works Department.
- Fred Blum, cross-examined the Prosecution's witnesses Jeremiah Puget, Heaven Moore, Paul Nelson, Josh Luders, and Heidi Bauer.
- Dan Kippen examined witness Heaven Moore; Fred Blum cross-examined the witness.

- SLR presented case in Chief; Earl Hagstrom, called Matthew Hillard, Senior Engineer, GSI Environmental, Inc.; and Robert Green, President, Green Company; as witnesses for SLR.
- Dan Kippen cross-examined the witnesses.
- Dan Kippen gave the closing statement for Prosecution Team.
- Fred Blum gave the closing statement for the Defense Team.
- Board member discussions and questions for witnesses and advisory team.
- Fred Blum withdrew all exhibits submitted by SLR.
- The Board members convened in closed session to deliberate the case. The Board reconvened in open session and Chair Quinto asked if any Board members had a motion.

Motion: Board member Giusti moved to adopt R1-2020-0040 as proposed, Board member Bedolla seconded the motion; Chair Quinto initiated a roll-call vote:
 Guisti aye
 Gant aye
 Quinto aye
 McCovey aye
 Bedolla aye

Motion passed unanimously

8. **Closed Session:** The Board met in closed session; see above.

9. **Arrangements for Next Meeting and Adjournment**

9:00 a.m., Thursday February 3, 2021 and
 9:00 a.m., Friday February 4, 2021
 5550 Skylane Blvd, Suite A
 Santa Rosa, CA

Meeting adjourned at 4:50 p.m.

Chairperson _____

Date _____