CALL TO ORDER

Chair Hoppin called the meeting to order on October 5, 2010 at 9:04 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT*

Chairman Charlie Hoppin, Vice Chair Frances Spivy-Weber; Member Arthur G. Baggett, Jr.; Member Tam M. Doduc;

STAFF PRESENT

Tom Howard, Executive Director
Michael Lauffer, Chief Counsel
Steven H. Blum, Office of Chief Counsel
Emel Wadhwani, Office of Chief Counsel
Mariana Aue, Office of Chief Counsel
Andy Sawyer, Office of Chief Counsel
Darrin Polhemus, Division of Administrative Services
Barbara Evo, Division of Water Rights
Les Grober, Division of Water Rights
Russ Kanz, Division of Water Rights
Jennifer Watts, Division of Water Rights
Jim Kassel, Division of Water Rights
Caren Trgovcich, Chief Deputy Director
Jonathan Bishop, Chief Deputy Director
Jeanine Townsend, Clerk to the Board
Bill Rukeyser, Office of Public Affairs
Liz Haven, Division of Water Quality
Rik Rasmusen, Division of Water Quality
Vicky Whitney, Division of Water Quality
Peter Martin, Division of Water Quality
Michael Napolitano, San Francisco Bay Regional Water Board
Dyan Whyte, San Francisco Bay Regional Water Board
Joe Karkoski, Central Valley Regional Water Board
Craig Wilson, Delta Watermaster

ANNOUNCEMENT

- Evacuation information in case the fire alarm goes off during the meeting.
- The Board meeting is being webcasted and recorded.

BOARD MEETING

Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Board’s jurisdiction provided the matter is not on the agenda, or pending before the State Water Resources Control Board or any California Regional Water Quality Control Board.

None

BOARD BUSINESS

1. The Board will consider adoption of the August 3 & 4, September 7, & September 21, 2010 Board Meeting minutes.

   Motion: Vice Chair Spivy-Weber moved to adopt the minutes.
   Seconded by: Member Doduc

   Aye: Chairman Hoppin
   Vice Chair Spivy-Weber
   Member Baggett
   Member Doduc
   
   Nay: None
   Abstain: None
   Absent: None

*Former Board Member Walter G. Pettit was present until Item 5
2. Board Member Report.

   - **Vice Chair Frances Spivy-Weber attended the dedication of the Malibu Legacy Park on October 2nd.**

DIVISION OF ADMINISTRATIVE SERVICES

Please note that Items 3 & 4 will be moved to a subsequent Board Meeting if the 2010-2011 State budget is not signed by the Governor by 9:00 a.m. on Monday, October 4, 2010.

3. Consideration of a proposed Resolution adopting emergency regulations revising the core regulatory water quality fee schedules contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200 and 2200.6 of the California Code of Regulations.

4. Consideration of a proposed Resolution adopting emergency regulations amending water right and water quality certification fee schedules in Title 23, Division 3, Chapter 5, Sections 1062, 1064, and 1066 and Chapter 28, Article 1, Section 3833.1 of the California Code of Regulations.

No Action Taken - Items 3 & 4 were moved to the October 19, 2010 Board Meeting

DIVISION OF WATER QUALITY

5. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Sacramento River and the San Joaquin River Basins for the Control of Selenium in the Lower San Joaquin River. (Written comments were due on September 22, 2010 by 12 noon.) (Staff Presentation)

- **Change Sheet #1**

**Motion:** Member Doduc moved to adopt the proposed Resolution with changes proposed by Staff in Change Sheet #1.

**Seconded by:** Member Baggett

**MOTION CARRIED:** (Resolution 2010-0046)

**Aye:** Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

Aaron Barcello, General Public
Bill Jennings, California Sportfishing Protection Alliance
Dan Nelson, San Luis & Delta Mendota Water Authority
David Cory, Des.Jardins Ranch
David Widell, Grassland Water District
Dennis Falaschi, Panoche Drainage District
DeeDee D’Adamo, Congressman Cardoza’s Office
Diane Fleck, U.S. EPA
George Delgado, Delgado Farming
Jim Metropulos, Sierra Club California
John Herrick, South Delta Water Agency
Joseph McGahan, Grasslands Basin Drainers (Presentation)
Lawrence Wise, Grasslands Basin Drainers
Melosa Granda, Institute for Fish Resources
Osha Meserve, Reclamation District 999
Patrick Porgans, General Public
Patricia Schifferle, General Public
Tom Stokely, California Water Impact Network
Zeke Grader, Pacific Coast Federation of Fisherman’s Association
6. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region to establish a Total Maximum Daily Load (TMDL) for sediment in the Napa River and an Implementation Plan to achieve the TMDL and related Habitat Enhancement Plan. (Written comments were due on August 19, 2010 by 12 noon.) (Staff Presentation)

Motion: Member Doduc moved to adopt the proposed Resolution.
Seconded by: Vice Chair Spivy-Weber
MOTION CARRIED: (Resolution 2010-0047)
Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Nay: None
Abstain: None
Absent: None

Commenters
Diane Fleck, U.S. EPA
Ed Schulz, General Public
Joseph Dillon, National Marine Fisheries Service SW Region
Tom Lippe, Living Rivers Council

DIVISION OF WATER RIGHTS

7. Consideration of issuance of a water quality certification for the relicensing of the Oroville Facilities in Butte County. (Written comments are due on September 24, 2010 by 12 noon.) (Staff Presentation)
No Action Taken – Continued to the December Board Meeting

Commenters
Bill Jennings, California Sportfishing Protection Alliance
Chris Shutes, California Sportfishing Protection Alliance
Dave Steindorf, American Whitewater
David Moller, Pacific Gas & Electric
Jason Kindopp, Department of Water Resources
Kent Smith, Department of Fish & Game
Laurence Kerckhoff, Department of Water Resources
Mark Cowin, Department of Water Resources (Presentation)
Patrick Porgans, General Public
Rick Ramirez, Department of Water Resources
Roger Moore, Butte County
Steve Arakawa, State Water Contractors
Steve Rothert, American Rivers
Terry Erlewine, State Water Contractors
Tim Quinn, Association of California Water Agencies
Tom Berliner, State Water Contractors
Tracy Pettit, Department of Water Resources
Vince Wong, Zone 7
8. Consideration of a proposed Resolution delegating authority to the Delta Watermaster. (Staff Presentation)

Motion: Member Baggett moved to adopt the proposed Resolution.  
Seconded by: Vice-Chair Spivy-Weber  
MOTION CARRIED: (Resolution 2010-0048)  
Aye: Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Baggett  
Member Doduc
Nay: None  
Abstain: None  
Absent: None

Commenters
Ken Petruzelli, San Joaquin River Group Authority  
Patrick Porgans, General Public

9. Consideration of a proposed Resolution to extend abeyance of the Klamath Hydroelectric Project 401 Water Quality Certification application.

Motion: Vice Chair Spivy Weber  
Seconded by: Chair Hoppin  
MOTION CARRIED: (Resolution 2010-0049)  
Aye: Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc
Nay: None  
Abstain: Member Baggett (Recused)  
Absent: None

Commenters
Daniel Jordan, Hoopa Valley Tribe

ADJOURNED  
The Board Meeting adjourned at 5:10 p.m.

CLOSED SESSION  
Closed Sessions are not open to the Public

DIVISION OF WATER RIGHTS  
(These are authorized under Government Code section 11126, subdivision (c)(3).)

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Woods Irrigation Company. A draft cease and desist order, issued to Woods Irrigation Company on December 28, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Yong Pak and Sun Young. A proposed cease and desist order, issued to Yong Pak and Sun Young on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Mark and Valla Dunkel. A proposed cease and desist order, issued to Mark and Valla Dunkel on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Rudy Mussi, Toni Mussi and Lori C. Mussi Investment LP (Mussi et al.). A proposed cease and desist order, issued to Mussi et al. on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.

The Board met in Closed Session on these Items.