

California Water Quality Control Board  
**North Coast Region**

**MINUTES OF MEETING**

April 24 and 25, 2006  
Veterans Memorial Hall  
10<sup>th</sup> and H Streets  
Eureka, CA

**Monday, April 24, 2006**

Chairman William Massey opened the Regional Water Board meeting at 9:15 a.m.

**i. Pledge of Allegiance**

Heidi Harris led the Pledge of Allegiance

**ii. Roll Call and Introductions**

Board Members Present: Bob Anderson, John Corbett, William Massey, Heidi Harris,  
and Gerald Cochran

Regional Water Board Staff: Catherine Kuhlman, Luis Rivera, Sheryl Schaffner, Erik  
Spiess, Robert Klamt, Mark Neely, David Hope, David  
Evans, David Kuszmar, Matthew Buffleben, Drew Bayless,  
Terri Korell, and Jean Lockett

**iii. Board Member Ex Parte Communication Disclosure**

William Massey disclosed that in his capacity as a Board Member of the Forestville Water District, he communicated with several dischargers in the Santa Rosa area regarding permits, in general and the permitting process. In particular, the discussions pertained to Forestville, and how many and what type of permits exist in Forestville.

**vi. Public Forum**

Comments were received from:

Beverly Wasson, a past Regional Water Board member, commented on her resignation from the Regional Water Board.

- 1. PUBLIC HEARING - Proposed Watershed-Wide Waste Discharge Requirements (WWDRs) for Timber Harvest Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company in the Elk River and Freshwater Creek Watersheds (Draft Resolution No. R1-2006-0038, Draft Order No. R1-2006-0039; Draft Resolution No. R1-2006-0040, Draft Order No. R1-2006-0041**

Chairman Massey transferred control to Vice-Chairman John Corbett for him to preside as Hearing Chair.

Vice-Chairman Corbett introduced all of the designated parties for this hearing. After role call the Vice-Chairman administered the oath to designated parties and their witnesses.

The designated parties were:

REGIONAL WATER BOARD ISSUANCE TEAM

Matthew Buffleben, Water Resources Control Engineer  
Robert Klamt, Chief, Timber Harvest Division  
David Kuszmar, Water Resources Control Engineer  
Mark K. Neely, Senior Associate Engineering Geologist  
Luis Rivera, Assistant Executive Officer  
Sheryl Schaffner, Senior Staff Counsel

HUMBOLDT WATERSHED COUNCIL (HWC)

ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC)  
ELK RIVER RESIDENTS ASSOCIATION (ERRA)  
Larry Evans  
Mark Lovelace  
Michael Lozeau  
Kristi Wrigley

PACIFIC LUMBER COMPANY (PALCO)

Dr. Jeffrey Barrett  
Christopher Carr

CALIFORNIA FORESTRY ASSOCIATION (CFA)

Michele Dias

FRESHWATER CREEK AND ELK RIVER WATERSHEDS LAND, RANCH AND PROPERTY OWNERS,  
RESIDENTS AND MANAGERS (THE OWNERS)

Tom Cookman  
Frank Shaw Bacik

The Board was assisted by:

REGIONAL WATER BOARD ADVISORY TEAM

Catherine Kuhlman, Executive Officer  
David Evans, Senior Water Resources Control Engineer  
David Hope, Senior Environmental Scientist  
Erik Spiess, Staff Counsel

Non-evidentiary policy statements were received from Interested Persons:

Steve Horner, employee of Barnum Timber Company  
Mitch Hunt, employee of SCOPAC  
Mike Dunker, Board Officer of Rio Dell and Scotia  
Chamber of Commences

Allen McCloskey, employee of Steve Will's Trucking and Logging  
Ali Freedlund, representing Mattole Restoration Council  
Nadine Bailey, Senior Field Representative for Senator Sam Aanestad  
Dan Dill, member of Board of Trustees for Scotia Unified School District  
Bev Wasson, resident of Rio Nido and Trinidad  
Jan Bramlett, resident of Humboldt County  
Dean Lewis, co-owner of Lewis Logging  
Bill Dillard, with Rio Dell Fire Department  
Don Luther, former employee of Pacific Lumber Company  
Dennis Hider, resident of Humboldt County  
David Boston, resident of Freshwater Creek  
Karl Maxon, CPA for Shrigara Lumber Company  
Robert Vogt, employee of Pacific Lumber Company  
Supervisor Roger Rodoni, Second District Supervisor  
Rex Bohn, President of Redwood Empire Little League  
Susan Davis, Vice President of Rio Dell/Scotia Chamber of Commerce  
James Silva, employee of Pacific Lumber Company  
John Munn, representing the California Department of Forestry and Fire Protection  
Clay Brandon, employee of California Department of Forestry and Fire Protection  
Jacavir Long, a Fortuna resident  
Rod Sanderson, employee of Pacific Lumber Company  
Attka Gyenis employee of Bridgeville Community Center  
Marianne Desobrinno, resident of Elk River Watershed  
Richard Sweet, retiree of the Pacific Lumber Company  
Eli Riconde, representing Evergreen Pulp, Inc.  
Don Brown, owner of Paddle to the Headwaters Canoe Marathon  
Tiffany Ruttinhouse, resident of Freshwater Watershed  
Bud Newton, Logging Contractor  
Johanna Rodoni, Executive Director of the Buckeye Conservancy

The Regional Water Board observed a lunch break at 1:15 p.m. and returned at 2:00 p.m.

The Issuance Team and PALCO presented their opening statements including testimony from witnesses. Cross-examination of the witnesses was also conducted by designated parties.

The Regional Water Board adjourned at 6:16 p.m. The meeting will continue on Wednesday, April 25, 2006, at 9:00 a.m.

**Tuesday, April 25, 2006**

Vice-Chairman, John Corbett reconvened the Regional Water Board meeting at 9:10 a.m.

John Corbett administered the Oath to those who expected to testify in the day's hearing.

**v. Pledge of Allegiance**

William Massey led the Pledge of Allegiance.

- 1. (CONTINUED) PUBLIC HEARING - Proposed Watershed-Wide Waste Discharge Requirements For Timber Harvest Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company in the Elk River and Freshwater Creek Watersheds (Draft Resolution No. R1-2006-0038, Draft Order No. R1-2006-0039; Draft Resolution No. R1-2006-0040, Draft Order No. R1-2006-0041**

The designated parties were:

## REGIONAL WATER BOARD ISSUANCE TEAM

Matthew Buffleben, Water Resources Control Engineer

Robert Klamt, Chief, Timber Harvest Division

David Kuszmar, Water Resources Control Engineer

Mark K. Neely, Senior Associate Engineering Geologist

Luis Rivera, Assistant Executive Officer

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The Board was assisted by:

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David Evans, Senior Water Resources Control Engineer

David Hope, Senior Environmental Scientist

Erik Spiess, Staff Counsel

Opening presentations and cross-examination of witnesses continued from the Regional Water Board meeting held the previous day. The following parties gave opening statements including testimony from witnesses:

The Owners

California Forestry Association

Humboldt Watershed Council

Environmental Protection Information Center

Elk River Residents Association

After cross-examination by designated parties, closing statements were given by the following:

Humboldt Watershed Council/Environmental Protection Information Center/Elk River Residents Association

The Owners

California Forestry Association

Pacific Lumber Company

Issuance Team

After the board members and Advisory Team asked questions of the designated parties, the Vice-Chairman closed the hearing to the public for closed session deliberations.

Chairman William Massey reconvened the meeting at 5:45 p.m. Vice-Chairman John Corbett made the following motion:

**Motion:** John Corbett proposed a motion for the Board to consider. He moved to direct the parties to follow the following process:

Designated parties shall provide to the Email Service List no later than 5 p.m. on Thursday April 27<sup>th</sup> their written suggested revisions to the Resolutions and WWDRs proposed by the Issuance Team. These suggestions will be considered by the Advisory Team in revising the Resolutions and WWDRs proposed by the Issuance Team. The Advisory Team will then circulate the revised WWDRs and Resolutions to the Email Service List by 5 pm on Monday, May 1<sup>st</sup>. They will then be before the Board for consideration at its meeting scheduled for May 8<sup>th</sup>. Oral comments by interested persons and the parties will be accepted as provided in the hearing procedure, which will be supplemented in the new future to specify additional procedures.

Mr. Corbett also moved to direct the parties to focus their comments on the following areas:

1. compliance of the WWDRs with Water Code section 13360.
2. identification of areas of expert disagreement and their effect on the validity of the WWDRs.
3. the aspects of PALCO's proposed WWDRs that may be comfortably integrated into the Issuance Team's versions; including PALCO's infrastructure provisions with enforceable dates.
4. the WWDRs' consideration of economics as required by applicable law.

Mr. Corbett further moved that the parties be admonished not to submit new evidence or argument as a part of their materials.

Mr. Corbett finally moved that the Board direct the Executive Officer to:

1. Develop a schedule for an expedited process for permitting all non-industrial timberland owners; probably watershed-specific general waste discharge requirements; and
2. Schedule a study session on the TMDLs for Freshwater Creek and Elk River with a section on legal mechanisms for permitting compliance and enforcement.

Gerald Cochran seconded the motion. The motion passed unanimously.

There being no further business to come before the Regional Water Board, the meeting adjourned at 6:55 p.m. The next Regional Water Board Meeting is scheduled for May 8, 2006, in Santa Rosa.

Chairperson \_\_\_\_\_

Date: \_\_\_\_\_