

MINUTES OF MEETING

June 28 and 29, 2006
Regional Water Board
North Coast Region
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

Wednesday, June 28, 2006

1:00 p.m.

Chairman William Massey opened the Regional Water Board meeting at 1:10 p.m.

i. Pledge of Allegiance

Gerald Cochran led the Pledge of Allegiance

ii. Roll Call and Introductions

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

Regional Water Board Staff: Catherine Kuhlman, Sheryl Schaffner, Samantha Olson, John Short, David Leland, Mark Neely, Linda Kryla, Mona Dougherty, James Tischler, Holly Lundborg, Matt St. John, Cathy Goodwin, Lisa Bernard, Greg Nash, Drew Bayless, Michelle Bautista, and Jean Lockett

iii. Board Member Ex Parte Communication Disclosure

There were no ex parte communications reported

iv. Executive Officer's Reports

Catherine Kuhlman gave information on personnel updates for the North Coast Region: She stated that the advertisement for new division chiefs for the region have been posted and new hires are expected by September 2006.

v. Public Forum –

Comments were taken from:

Sharon Grossi, resident of Petaluma Hill Road in Santa Rosa
Dawna Gallagher, resident in the area of Petaluma Hill Road in Santa Rosa
John King, resident in Petaluma Hill Road in Santa Rosa
Mark Lovelace, Humboldt Watershed Council
Christopher Dinno and Craig Dawson, representing Sonoma State University
Jared Carter, representing Pacific Lumber Company

vi. Update on the Scott TMDL

Catherine Kuhlman reported that the State Water Resources Control Board adopted the Scott TMDL on June 21, 2006. Ms. Kuhlman briefly covered some of the content in the Scott TMDL Resolution.

1. Continuation of PUBLIC HEARING to consider adoption of Resolution R1-2006-0052 for an Amendment to the Water Quality Control Plan of the North Coast Region for the **Shasta River Watershed Temperature and Dissolved Oxygen Total Maximum Daily Loads**.

At the May 17 Board meeting in Fortuna, the Board asked staff to prepare a set of clean documents for Board review, and sought input from the public on changes to the documents made during or after the May 17 meeting. Holly Lundborg reviewed comments received since the May 17 meeting. In all, 22 comment letters were received, and covered a wide range of topics. The issue of the effect of flow on temperature received the most attention. Matt St. John reviewed TMDL temperature analysis results as they relate to the flow recommendation included in the Action Plan, and David Leland followed with a presentation on the variety of tools and options available to increase the flows of cold instream water while maintaining existing agricultural uses.

Comments were taken from:

Joe Dillon, National Marine Fishery Service
 Zeke Grader, Pacific Coast Federation of Fishermen's Association
 Tom McCray, Fishermen's Association of Moss Basin Landing
 Mike Ricketts, Pacific Coast Federation of Fishermen's Association
 Alan Levine, Coast Action Group
 Marlyse Battistella, MMCFO/PCFFA/CA Salmon Council
 Regina Chichizola, Klamath Fisheries/Klamath Riverkeeper
 Ann Maurice, Ad Hoc Committee
 Mark Lovelace, Humboldt Watershed Council
 Daniel Myers, Redwood Chapter of the Sierra Club
 Vivian Helliwell, PCFFA and IFR
 Mike Hudson, Small Boat Commercial Salmon Fishermen's Association
 Ron Reed, Karuk Tribe of California
 Kerry Mavro, Shasta Valley RCD
 Kevin McKernan, Yurok Tribe
 Kayla Super, Quartz Valley Indian Reservations
 Caitlin Bean, California Department of Fish and Game
 Alexis Strauss, US EPA
 Nadine Baily, Senator Aanestad representative
 Barbara Stickel, City of Morro Bay
 Blain Hart, Shasta Valley RCD
 Bill Krum, Siskiyou RCD
 Jim DePree, Siskiyou County
 Jim Cook, County of Siskiyou
 Tom Wetter, Resident Lake Shastina
 Dr. Dan Drake, UC Davis, Cooperative Extension
 Pat Martin, property owner
 Blair Smith, Shasta Valley Rancher
 Jim Wilson, SOSS/Shasta Valley Rancher
 Tom Connick, Property owner
 Daniel O'Hanlon, SOSS
 Tony Francois, California Farm Bureau Federation
 Tracy Schohr, California Cattlemen's Association

Thursday, June 29, 2006

9:00 a.m.

Chairman William Massey opened the Regional Water Board meeting at 9:16 a.m.

vii. Pledge of Allegiance

Gerald Cochran led the Pledge of Allegiance

viii. Roll Call and Introductions

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

Regional Water Board Staff: Catherine Kuhlman, Robert Klamt, Sheryl Schaffner, Samantha Olson, John Short, David Leland, Mark Neely, Linda Kryla, Mona Dougherty, James Tischler, Holly Lundborg, Matt St. John, Cathy Goodwin, Lisa Bernard, Greg Nash, Drew Bayless, Michelle Bautista, and Jean Lockett

ix. Resolution for Teejay Lowe

In Mr. Lowe's absence this item was tabled to a future board meeting.

x. Resolution for Beverly Wasson

Chairman William Massey presented Beverly Wasson with a resolution thanking her for her services while serving on the Regional Water Board as a Board member.

Ms. Wasson stated that she enjoyed the last seven years as a board member. She stated that it is a continual challenge in protecting water quality and she wished the Board members her best, and stated that she would always think of them and what a great job that they are doing.

xi. Sustained Superior Accomplishment Award for Lauren Clyde

This item was postponed until a future board meeting.

2. Continuation of PUBLIC HEARING to consider adoption of Resolution R1-2006-0052 for an Amendment to the Water Quality Control Plan of the North Coast Region for the **Shasta River Watershed Temperature and Dissolved Oxygen Total Maximum Daily Loads**.

The Shasta River Watershed Temperature and Dissolved Oxygen Total Maximum Daily Loads item was continued from the previous day board meeting. The Board members gave staff additional feedback and recommended changes in the document.

MOTION: John Corbett moved to approve the resolution as staff recommend subject to amendments by board members. Gerald Cochran seconded the motion. Motion passed unanimously.

MOTIONS: John Corbett moved to adopt the errata sheet excluding the last provision "This recommended flow measure does not alter or reallocate water rights. " Approve the errata sheet pages 9 and 12 changes. Bob Anderson seconded the motion.

John Corbett moved to adopt the following language, "Add to Table 4 in the implementation Plan, under Water Use and Flow section: This recommended flow measure does not alter or reallocate water rights in the Shasta **or Klamath River** watersheds, nor bind **the Regional Water Board in future TMDLs**, the State Water Board, Division of Water Rights in any water rights decision, **or state and federal courts**. Bob Anderson seconded the motion. Motion passed unanimously.

Bob Anderson moved to adopt the following language to Change Finding 9 of the Resolution to read: In 1967 the state legislature combined the Water Rights Board and Water Quality Board to create the State Water Board to address the relationship between water quality and quantity. Increasing cold water supply is one of the three measures necessary to meet the temperature water quality standards. This recommended flow measure does not alter or reallocate water rights in the Shasta **or Klamath River** watersheds, nor bind **the Regional Water Board in future TMDLs**, the State Water Board, Division of Water Rights in any water right decision, **or state and federal courts**. John Corbett seconded the motion. Motion passed unanimously.

John Corbett moved to Add to Table 4 of the Implementation Plan on p. 14 the following, Add to Table 4 in the implementation Plan, under Water Use and Flow section: This recommended flow measure does not alter or reallocate water rights in the Shasta **or Klamath River** watersheds, nor bind **the Regional Water Board in future TMDLs**, the State Water Board, Division of Water Rights in any water rights decision, **or state and federal courts**. **Heidi Harris seconded the motion**. Motion passed unanimously.

John Corbett moved to add the following language: p. 8-16, after the third sentence, fourth paragraph: The goal of water conservation is to increase stream flows to protect instream beneficial use.

p. 10-1, second bullet: The annual review will occur in a public forum designed to include all stakeholders including downriver communities, tribes, sport and commercial fishermen.

Add to Table 4 of the Implementation Plan on p. 14 under Regional Board actions, as a second bullet:

If the Executive Officer receives credible evidence that the Shasta River flows are diminishing, the Executive Officer shall promptly report this to the Regional and State Water Board. Bob Anderson seconded the motion. Motion passed unanimously.

John Corbett moved to adopt Resolution R1-2006-0052 per staff's recommendation except those items amended by the Board. Gerald Cochran seconded the motion. Motion passed unanimously.

xii. Presentation of certificate from the White House Conference on Cooperative Conservation to the North Coast Regional Water Quality Control Board. (Mark Lancaster, Five Counties Salmonid Conservation Program)

Mark Lancaster, director of the Five Counties Salmonid Conservation Program, presented the Regional Water Board with a Certificate from the White House honoring the Regional Water Board's staff for outstanding leadership and personal stewardship in achieving results through cooperative conservation. Andrew Baker, Regional Water Board staff, accepted the certificate on behalf of the Regional Water Board and its staff.

xiii. Public Forum

Comments were taken from:

Christopher Dinno, and Craig Dawson, representing Sonoma State University
Jared Cater, Representing PALCO

2. Approval of Meeting Minutes: April 24, 25, May 8, and May 17, 2006

The April 24, 25, and May 8, 2006 were presented for approval.

MOTION: Gerald Cochran moved to accept the April 24, 25, and May 8, 2006 Minutes. John Corbett seconded the motion. Motion passed unanimously.

The May 17, 2006 minutes were moved to the August 2006 agenda.

Consent Calendar

3. Order No. R1-2006-0047 to rescind Waste Discharge Requirements (Order Nos. 81-64, 94-124, 99-31, R1-2002-0083) for the **California Department of Transportation and Standard Structures, Inc.**
4. Order No. R1-2006-0048 Waste Discharge Requirements for Discharges of **Highly Treated Groundwater to Surface Waters Following Extraction and Cleanup** of Groundwater Polluted with Petroleum Hydrocarbons and Volatile Organic Compounds, General National Pollutant Discharge Elimination System Permit No. CAG911001

MOTION: Gerald Cochran moved to adopt the consent calendar. John Corbett seconded the motion. Motion passed unanimously.

5. (Item 6 on the agenda) PUBLIC HEARING Order No. R1-2006-0020, **Pacific Lumber Company** (PALCO) Renewal of National Pollutant Discharge Elimination System Permit No. CA0006017, WDID No. 1B83104OHUM

This item was moved from the action category to the Consent Calendar.

MOTION: Gerald Cochran moved to adopt the order No. R1-2006-0020. John Corbett seconded the motion. Motion passed unanimously.

Action Items

6. PUBLIC HEARING Order No. R1- 2006-0004, **City of Cloverdale**, Wastewater Treatment Facility, Renewal of National Pollutant Discharge Elimination System Permit No. CA0022977, WDID No. 1B84032OSON

The Chairman administered the oath to those who expected to testify in this matter.

Cathy Goodwin, Regional Water Board staff, briefly covered the changes made to the draft permit in response to the Discharger's comments.

Ms. Goodman gave some details on the Discharger's discharge to the Russian River for a limited number of days during two months in the last 20 years (April 1986 and January 1995), under emergency conditions brought on by extremely high rainfall.

Comments were taken from:
Tess Dunham, representing the City of Cloverdale

MOTION: Gerald Cochran moved to adopt Order No. R1-2006-0004. John Corbett seconded the motion. Motion passed unanimously.

Information Items

7. Mandatory Minimum Penalties

Catherine Kuhlman stated that there has been a number of controversial MMPs that came before the Board and that there are a number to follow. She stated that this is a request from the Board to open this subject up for discussion. John Corbett requested that the Board write a letter to the Chair of the State Water Board

- Requesting to raise the population from ten-thousand to thirty-thousand,
- dealing with the proportionality issue,
- better defining the retroactivity issue, and
- asking them to do a study of the effective rural areas.

8. Update on Implementation of the PALCO Watershed-wide Waste Discharge Requirements in Elk River and Freshwater Creek

Mr. Neely gave an update to the Board on the implementation of the Watershed-wide Waste Discharge Requirements for Palco in Elk River and Freshwater Creek. He summarized the enrollment process whereby Palco received coverage on sufficient timber harvest acreage to meet most of the allotment under the permit. He also updated the Board on the status of a similar permit for Green Diamond Resource Company in Elk River.

9. Executive Officer Administrative Civil Liabilities

This item was not discussed

10. Board Member Requests for Future Agenda Items

This item was not discussed

11. Monthly Report to the Board

This was a written item

12. Other Items of Interest

This item was not discussed

There being no further business to come before the Regional Water Board, the meeting adjourned at 12:15 p.m. The next Regional Water Board Meeting is scheduled for August 9, 2006, in Santa Rosa.

Chairperson _____

Date: _____