

California Regional Water Quality Control Board  
North Coast Region

Minutes of August 8 and 9, 2002  
Regional Water Board Meeting  
Hill House Inn  
10701 Palette Drive  
Mendocino, CA

Thursday, August 8, 2002

Chair William Massey called the Regional Water Board meeting to order at 10:11 A.M., held at the Hill House Inn in Mendocino.

i. **Pledge of Allegiance**

Dina Moore led the Pledge of Allegiance

Chair Massey congratulated Bev Wasson, Shawn Harmon, Richard Grundy, and John Corbett on their confirmation by the Senate Rules Committee on August 7, 2002. He expressed the Board's regret that Mr. Selvage withdrew his name from the confirmation list.

ii. **Roll Call**

Board Members Present: John Corbett, Richard Grundy, Dina Moore, Bev Wasson, Shawn Harmon, Jack Selvage, and William Massey

Regional Water Board staff present: Executive Officer, Susan Warner; Assistant Executive Officer, Frank Reichmuth; Counsels, Sheryl Freeman and Erik Spiess; Staff Service Manager I, Kathleen Daly; Division Chiefs, Robert Tancreto, Ranjit Gill, Interim Division Chief, Nathan Quarles; Seniors, Mark Bartson, Bob Klamt, John Short, David Leland, Fred Blatt, Christine Wright-Shacklett, and Dave Hope; Office Technician, Terry Barnes; Secretary, Jean Lockett

iii. **Minutes of Past Meetings**

There were no minutes submitted

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

Sheryl Freeman gave an explanation of the ex Parte communication as an opportunity for Board members to disclose any ex Parte conversations that they had regarding any item(s) pending before the Board.

The Chair called for disclosures from the Board members, if any. There were no ex Parte communications disclosed.

v. **Public Forum –**

B. C. McDonald reminded the Board of the significance of the TMDL, HCP, and THP. He stated that he depends on the Regional Water Board to keep California's water safe.

Erisla Jones, with Friends of Gualala River, questioned what input the Regional Water Board has on the decisions made by the State Water Resource Board. She referred to a pending application submitted to the State Water Board for water to be taken out of the Albion River by Alaska Water Exports.

Ms. Warner indicated that the State Water Board has jurisdiction over California water rights. The Regional Water Board does comment on some of the issues where water rights may have an impact in California. Ms. Warner explained that the Regional Water Board staff will review the application, and if comments are needed, staff will forward them to the State Water Board.

Don Kemp discussed the import of water by the Alaska Water Exports. He stated that those outside of California would gain financially from the water needs of California. He indicated that the environmental reason to not permit the import of water is that it would disrupt the habitat of steelhead, coho, and other wildlife.

## **OTHER BUSINESS**

1. **Hawthorne Timber Company Discussion of their Riparian Based  
Timberland Management Strategy**

Susan Warner introduced Knox Marshall, the regional manager of the Campbell Group. He covered the relationship between Hawthorne Timber Company (HTC) and Campbell Group. Mr. Marshall gave a brief description of HTC's Riparian Management Strategy philosophy. Which they consider to be unique in the industry.

Stephen Levesque displayed a map that showed HTC's ownership of 186,000 acres in Mendocino County. He discussed the Riparian Management Strategy conceptual approach that emphasized protection of aquatic resources. The fundamental principles important to the strategy are spatially and temporally explicit, transparent, pre-determined outcome, protection of beneficial uses, site-specific prescriptions, and enhanced WLPZ Corridors, etc. There were discussions on ways the strategy is geared to protect beneficial uses and comply with the Basin Plan with site-specific prescriptions.

Mr. Levesque described steps of the Riparian Management Strategy that looked at desired future conditions of the watersheds and site-specific prescriptions to achieve their goal.

Regarding TMDLs, Mr. Levesque indicated that implementation plans must include realistic measures of success regarding the numeric targets. A single metric cannot measure a watershed's health. A single value threshold disregards inherent spatial and temporal variability. HTC sampled nine streams in the summer months and the results revealed that the streams were above the numeric target for percent fines <0.85 mm;

yet, the streams were re-tested in the winter months, and results revealed that five of the nine sites were below the one numeric target of percent fines <0.85 mm. This sampling was conducted one-time only last year. Mr. Levesque suggested the Board consider a target range to give more feasibility, rather than a single value. Mr. Levesque indicated that a target value based on PNW literature case demonstrated an aquatics-based strategy may be a viable alternative for Hawthorne Timberland.

Mr. Corbett requested clarification on the meaning of "group selection." Peter Ribar, employee of the Campbell Group, defined "group selection" as a form of uneven aged management where you harvest small groups of trees rather than select them individually.

Mr. Selvage asked if HTC plans to count the fish population and if so, what method would be used and would it be statistically enough to look at the data and measure the population growth or decrease of fish five years later.

Mr. Levesque agreed that fish will be counted, but for fish distribution only. He stated he could not measure the fish population because of the life cycle and where they habitat.

Mr. Grundy asked for HTC's corporate policy on harvest and pre-harvest monitoring?

Mr. Levesque stated that information gathered through grab samples, turbidity monitoring, and trend monitoring hopefully will be used to clear up some of the assumptions in the TMDL.

Chair Massey asked Mr. Levesque for clarification on the 14 percent fine rule and if he was requesting a higher limit or a higher range?

Mr. Levesque said that the range should be higher; because the 14 percent was low and may not be achievable in some steams along the coast.

## **2. Regional Water Board Work Plan Development & Prioritization**

Jack Selvage discussed the January Board meeting when it became apparent that his previous clients were appearing before the Regional Water Board. Mr. Selvage said that he contacted Sheryl Freeman to initiate a letter to the Fair Political Practices for clarification on ethics, conflict of interest, and other issues related to his seat on the Regional Water Board and his previous clients. Fair Political Practices confirmed that Mr. Selvage had a conflict of interest in the Pacific Lumber Company item and possibly other dischargers having the potential to come before the Board. The information was submitted to the Senate Rules Committee and there was concern that Mr. Selvage would be unable to participate in timber items heard by the Regional Water Board. Because timber issues were significant to the Senate Rules Committee, Mr. Selvage decided to withdraw his name from the confirmation list.

Ms. Warner stated that Mr. Selvage will be sorely missed.

Ms. Freeman stated that Mr. Selvage was deeply concern about the process. The Board expressed their regret and said that Mr. Selvage's technical experience, and his tremendous integrity in the process will be missed.

Chair Massey discussed the upcoming August 22, 2002, Regional Water Board meeting and a process for conducting large public meetings.

Ms. Freeman stated that under the Open Meeting Act there has to be opportunity for public comment. However, the Chair/Board can limit the amount of time the public can speak in public forum.

There was extensive discussion on facilitating a Board meeting when a large number of the public requests to speak in public forum.

Ms. Wasson suggested that we establish standard language to identify the conditions when time constraints may be necessary.

Mr. Spiess suggested a process so that people can identify early on that time limits may be instituted in public forum.

Ms. Moore stated that a policy for action items on the agenda is needed. She suggested that staff submit a draft of options to the Board for their review.

Mr. Grundy indicated that the public may have felt that they (the new board members) needed to be re-educated, and have resubmitted information for the new Board members.

Chair Massey suggested that a process to limit redundancy of reading and hearing information is needed. He asked for the Board member's agreement to initiate a time limit for public forum when a large number of speaker cards are submitted at a Board meetings.

Mr. Harmon supported Chair Massey's request to establish a time limit on the public forum when necessary.

Ms. Wasson gave her support and suggested numbering the speaker cards.

Mr. Spiess suggested that the agenda should state clearly the order of business, and the order of speaking.

Mr. Corbett also approved of a time limit for the public forum.

Chair Massey proposed the following be placed on the Two-Page Agenda:

- Allocate one hour to public form;
- no more than one half hour on any item;
- if more time is needed, public forum will be move to the end of the Board meeting; and
- encourage written material.

12:57 PM lunch returned from lunch at 2:30 p.m.

Board members, that attended the August 7, Senate Rules Committee hearing for confirmation discussed their experience and what they thought the Senators of the Senate Rules Committee were interested in seeing the Regional Water Board work on.

Mr. Grundy stated the Governor's staff stated that they expect the Board to deal with the timber issues before The Regional Water Board.

Mr. Corbett stated that he felt that the Senate Rules Committee wanted to make sure that the Regional Water Board follows state policy.

Mr. Selvage stated that it was clear that timber issues were important to the Senate Rules Committee, and because he could not take action on many of the timber issues before the Regional Water Board, he withdrew his name from the confirmation list.

Staff and the Board members had open discussion on budget issues. Discussion included how the Board and staff could assist each other to get the job done.

Mr. Selvage asked Susan what was her impression on what the Board was doing. Ms. Warner stated that as their EO she felt that it was her duty to assist the Board.

Frank Reichmuth said that one of the basic ways the Board expresses itself is through the Basin Plan. Mr. Reichmuth suggested that the Board give the community a message that there are checks and balances in the Region's programs.

4:00 break 4:13 returned

The Board and staff discussed the Regional Water Board staff's relationship with other agencies, and how to improve those relationships.

Mr. Grundy suggested that the Chair send a letter to the State Resource Board saying that they take their responsibility seriously and feel that they can not properly address silvicultural issues until they get the position of the State Water Board.

Ms. Warner stated that she could bring information on the silvicultural issues back in August but it will be a very controversial issue and the Regional Water Board must allow for public comment.

Mr. Selvage suggested that the Board spend the last 30 minutes in closed session to discuss issues with the Executive Officer.

A two-year budget planning process was discussed before adjourning to closed session.

Frank Reichmuth gave a brief summary of the fiscal years 01-02 and 02-03 budgets. He discussed the fiscal management system and budget itemization, such as: personnel services, salary savings, contracts, travel, operating expenses, and balancing the budget.

Mr. Reichmuth discussed contract allocations for students, Cleanup and Abatement Account, laboratory, aerial surveillance, and technical support.

Kathleen Daly discussed the budget's tracking and balancing process. Ms. Daly stated that through monthly reports and PCA codes from employee's time sheets, she is able to track all expenditures for personnel services. Quarterly evaluations of the budget were also discussed.

The Board received a list of the Regional Water Board's funding sources and a short discussion of the percentage of allocations received from funding sources, such as; federal allocation received is 6 percent of the funds, and the general fund WDPF (fees) is 4 percent of the fund.

Board meeting adjourned to closed session at 5:22 p.m.

### **Friday, August 9, 2002**

Chair Massey called the August 9, 2002, meeting to order at 8:42 a.m.

John Corbett led the Pledge of Allegiance

Board Members Present: John Corbett, Richard Grundy, Dina Moore, Bev Wasson, Shawn Harmon, Jack Selvage, and William Massey

Regional Water Board staff present: Executive Officer, Susan Warner; Assistant Executive Officer, Frank Reichmuth; Counsels, Sheryl Freeman and Erik Spiess; Staff Service Manager I, Kathleen Daly; Division Chiefs, Robert Tancreto, Ranjit Gill, Interim Division Chief, Nathan Quarles; Seniors, Mark Bartson, Bob Klamt, John Short, David Leland, Fred Blatt, Christine Wright-Shacklett and Dave Hope; Office Technician, Terry Barnes; Secretary, Jean Lockett

Board member Jack Selvage introduced a process that the Board and staff could use to resolve issues in meetings. The steps covered were:

- The group should ask and answer the question.
  - What do we want to achieve?
  - What is our mission and vision?
  - What are the rules?

Mr. Selvage discussed the process in detail with the Board and staff.

A. Develop a decision making process:

- a. Problem statement – write out the problem
- b. Discussion – what are the problems and what are the resources
- c. Develop a proposal to address the problem

B. Discuss/Clarify proposal

C. Write down proposal

D. Poll Process: Each participant when polled responds numerically as follow:

- 0 Not clear can't support not enough information
- 1 I support the proposal and will fully support it
- 2 I have some reservation but will fully support
- 3 I am neutral with no strong feeling either way, I will fully support the proposal
- 4 I do not like the proposal, but I will fully support
- 5 I would veto the proposal if I could

- E. Depending upon the rules of the poll
  - a. Return to number 4
  - b. Put it to a vote to the participants

Once there is a consensus, the group should answer F and G.

F. What is our mission?

G. What is our vision?

The Board was receptive to Mr. Selvage's plan, and Chair Massey stated that it appears to be a durable process when in a public meeting.

Chair Massey called for an overall review of the budget:

Susan stated that we have 109 authorized positions and 6 of the 109 are vacant. Three and a half positions are in jeopardy because of the expected budget cuts. There will be three staff positions cut from our Underground Tank Program. A large portion of the reduction will come from contracts. We will lose 10 percent of the Region's budget.

Mr. Corbett suggested that a written statement of the budget be brought back to the September board meeting.

John Short, senior of the Regulatory Unit, gave a brief description of the Unit's duties. John advocated for not having mandatory minimum penalties when water quality has not been impacted. The streamline enforcement would be a savings for the region.

Chair Massey asked John if mandatory minimum penalties were removed would that allow him the time to get more done. John stated that yes; it would allow time to accomplish more.

Dave Hope, senior for the Grants/ Contracts Unit that deals with all Grants, Contracts and special projects within Region 1, gave a summary of his Unit's duties and stated that his Unit will try to concentrate the grant monies by watershed and by type to make efficient use of limited dollars. The concept is to try to completely resolve the problems in a watershed so that areas can be restored and problems completely ameliorated and the watershed protected into the future.

Bob Tancreto gave a brief overview of Bill Winchester and Tom Dunbar's units. Both Bill and Tom were unable to attend the meeting. Bob stated the last fifteen years there have been budget cuts in both units. We always try to prioritize every thing and put money where it is needed. Bob suggested that it is important to inform the legislative of the impact of the budgets cuts, by keeping them advised of what tasks are completed and not completed, and state the reasons tasks were not completed.

Mark Bartson, senior for the Cleanup Unit, gave an overview of the day to day work for those in the unit. He stated that staff focus on the highest priorities. The Workplan is designed to focus on those sites that have the largest impact on drinking water. Mr. Bartson requested feedback from Board members regarding any material presented to them on future agenda items. Another important issue for the Santa Rosa Cleanup unit is working with the Sonoma County Department of Public Health in their efforts to upgrade their capacity to deal with the health issues related to water contamination.

Dina Moore expressed concern for the Cleanup Unit dealing with serious contamination and usually serious health problem as a result. Ms. Moore's feeling is that there is little support for the Cleanup Unit.

Mr. Bartson stated that he and staff believes that the Board and Ms. Warner supports their Unit.

Tuck Vath, senior of the Northern Cleanup Unit, supervises five staff members that cover over half the region. The unit deals with surface water. The biggest issue faced is Spills, Leaks, Investigations, and Cleanups program (SLIC). SLIC, in part, deals with the spills that involves time and staff for cleanup. Mr. Vath reiterated John Short's message that dealing with minor violations when water quality has not been impacted takes up time.

David Leland, senior of the TMDL Development Unit, summarized the unit's responsibilities. The unit is responsible for preparing the technical analysis that forms the basis of the TMDLs in the region. The unit is in the process of finishing the technical analysis for the Mattole sediment and temperature TMDLs. There will be an item on a Board meeting agenda this fall to update the Board on this work. Once this work is complete, the Unit will focus its efforts over the next three years on watersheds in the Klamath Basin, including the Lost, Salmon, Scott, and Shasta, as well as the Klamath mainstream. These watersheds are listed for one or more of the following stressors: nutrients, low dissolved oxygen, temperature, or sediment. These watersheds are all consent decree watersheds that require Regional Board, State Board, and USEPA adoption by the end of 2007.

Bob Klamt, senior for the Watershed Assessment Unit described the unit's responsibilities to provide information on overall watershed conditions. The Unit provides basic information for the Basin Plan, and also provides the water quality perspective in the NCWAP program and for grants. Mr. Klamt added that the Regional Water Board members can provide support to staff by giving the staff an opportunity to provide additional information after a discharger has made a presentation to the Board. Mr. Klamt used the Hawthorn Timber Company's presentation to the Board as an example. The Regional Water Board staff did not have an opportunity to provide additional information after Hawthorn Timber Company's presentation to the Board.

Dina Moore asked if his program was affected by the budget cuts. Bob stated that the program is funded at this time.

There was discussion on the Regional Water Board's staff and the public's accessibility to the Board members.

Erik Spiess stated that there are limited cases where the Board cannot talk to discharger and those cases are judicatory in nature.

Ranjit Gill, division supervisor, discussed the Planning Unit that David Evans supervises. The Planning Unit is the backbone of water quality. He discussed the sediment amendment and TMDL program.

Christine Wright-Shacklett, senior in the timber division, stated that there are only 3.5 staff in this unit reviewing timber harvest plans for an area that covers more than 500,000 acres of timberland. She indicated that lack of adequate staffing combined with additional responsibility, including the review of THPs for compliance with the recently adopted Garcia River TMDL Action Plan, and any additional TMDL implementation plans for the Noyo, Big, Albion and Ten Mile Rivers will be added to staff workload in the next couple of years

Fred Blatt, senior of the Klamath Trinity Unit, the Unit limited in staff and with a tremendous amount of work, evaluates the timber harvest plans for the area. To keep staff from burning out from the travel involved in the unit is a challenge. The board can help their staff by reestablishing the Regional Water Board's lead in protecting water quality.

Nathan Quarles, lead senior for the Timber Harvest Division, discussed the division's priorities: active and post harvest inspections, in-stream water quality monitoring, and Pacific Lumber Company. Regarding inspections, there is balance between preventing impacts through PHI inspections and learning how our recommendations are working through active and post inspections. Staff need to increase the number of active and post harvest inspections. There is a lack of in-stream water quality monitoring and we need to quantify how timber harvesting affects water quality. Pacific Lumber is a priority relative to developing TMDLs, in-stream monitoring and conducting cleanup activities within the five watersheds that are the subject of the SWRCB Remand Order.

At 12:15 p.m. the Board went into closed session.

There being no other business the Board adjourned the meeting at 1:00 p.m. until the next Board meeting in Eureka on August 22, 2002

The Secretary, E. Jean Lockett, recorded the minutes of the August 8 and 9, 2002, Board meeting of the North Coast Water Quality Control Board, to be approved by the Board at its next meeting.

\_\_\_\_\_Chair

\_\_\_\_\_Date