

California Regional Water Quality Control Board  
North Coast Region

MINUTES OF MEETING  
December 10, 2002  
Regional Water Board  
5550 Skylane Blvd. Ste A  
Santa Rosa, CA

Chairman William Massey called the Regional Water Quality Control Board regularly scheduled meeting to order at 9:13 a.m.

**i. Pledge of Allegiance**

Dina Moore led the Pledge of Allegiance

**ii. Roll Call and Introductions:**

Board Members Present: William Massey, Richard Grundy, John Corbett, John Giorgi, Dina Moore, Bev Wasson, Gerald Cochran, and Shawn Harmon

Regional Water Board staff present: Executive Officer, Susan Warner; Assistant Executive Officer, Frank Reichmuth; Legal Counsels, Sheryl Freeman and Erik Spiess; Division Chiefs, Luis Rivera and Nathan Quarles; Seniors, Diana Henriouille-Henry; Technical Staff: Holly Lundborg, Adona White, and Dean Prat; Administrative Staff, Kathleen Daly, Greg Nash, Terri Korell, and Jean Lockett

**iii. Minutes of Past Meetings**

There were no minutes presented for approval

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

Chairman Massey asked Sheryl Freeman to give a brief overview/explanation of ex parte communication for Board members. Ms. Freeman stated that it was an opportunity for Board members to disclose any ex parte communications that they may have had regarding any item (s) on the agenda.

The Chairman called for such disclosures from the Board members, if any.

John Corbett stated that during the course of the Regional Water Board's sub-committee drafting the waiver policy, he contacted the United States Forest Service (USFS) to request clarification on language used by USFS.

**v. Public Forum**

Craig Bell introduced himself as a resident of Gualala, and stated that he has worked with the Regional Water Board staff for over seven years. He voiced his disappointment upon hearing that the Water Board staff was verbally attacked at the last meeting held in the area. Mr. Bell

indicated that staff has always conducted themselves in a professional and dedicated manner when conducting public meetings.

Fred Krueger, representing Hughes Avenue Neighborhood Association, called upon the Board to think of the common good as they review forest and water issues.

Duane Dewitt submitted a copy of the Roseland Revitalization Plan. He stated that he had asked the City of Santa Rosa to redevelop, revitalize, and restore the Roseland area. Mr. Dewitt read notes from a 1997 meeting where the City of Santa Rosa received a Brownfield grant; and said, for twenty years the ground contamination in the Roseland area was overlooked because of the Superfund site designation. Mr. Dewitt suggested that it is time to take care of the ground level contamination in the Roseland area.

Nancy Palandati, a resident of Humboldt County, gave the Board information on Dioxin and its effect on humans. She requested that the Board acquire more information before any settlement is entered into with Sierra Pacific Industries.

Mr. Corbett stated that, as he understood it, any settlement with SPI would be a public item. Ms. Warner agreed, and stated that the cleanup and abatement activities will continue during and after any settlement with SPI.

The Board went into closed session at 9:26 a.m.

Chairman Massey opened the meeting to the public at 10:00 a.m. There were nothing to report as a result of the closed session.

**1. PUBLIC HEARING to consider adoption of an Order waiving waste discharge requirements for timber harvesting activities and the adoption of a negative declaration relating thereto.**

Chairman Massey administered the oath to those who expected to participate in the hearing.

Nathan Quarles introduced the administrative file into the record. Mr. Quarles stated that staff has received numerous public comments and responses on the draft waiver policy during the review period. He provided information on the recent amendments to the California Water Code, Section 13269 (SB 390), that affect all waivers now in place.

Mr. Quarles discussed the two alternative waivers presented for the Board's consideration: the "Interim Categorical Waiver" produced by the Board subcommittee, and the staff document known as the "collaborative draft waiver" proposals.

Interim waiver (proposed Order No. R1-2002-0109). When applying, applicants must file a notice of intent prior to timber operations. A copy of the THP, if applicable, must be submitted and the project must comply with the Basin Plan.

The process for timber operations on non-federal lands is as follows:

- ◆ Before commencement of timber operations, a timber operator or landowner must submit a notice of intent (NOI) to the Board, with any approved Timber Harvest Plan (THP).
- ◆ The NOI must certify that the timber operations will comply with the conditions of the Interim Waiver Policy.
- ◆ A copy of an approved THP must be attached to the NOI.

The process for timber operations on federal lands is as follows:

Prior to the commencement of silvicultural activities,

- ◆ USFS certification that contract will contain measures for waiver and basin plan compliance
- ◆ USFS contractor will file Notice of Intent, with a copy of the approved contract
- ◆ USFS certification that the project will comply with waiver and Water Quality regulations.

In either case, on federal or non-federal lands, the Executive Director can elect to deny coverage under the waiver for specified reasons outlined in the waiver, such as a determination that the timber operation or silvicultural activity will result in a violation of the Basin Plan. A denial of coverage under the waiver would result in a requirement that the timber operator submit a report of waste discharge, for consideration of possible waste discharge requirements.

Collaborative waiver (proposed Order No. R1-2002-1014). Mr. Quarles stated that there are four categories of waivers and noted that they must comply with general conditions, such as: (1) activities must comply with the Basin Plan, (2) all activities must be conducted according to approved plans, (3) activities must not create pollution, contamination or nuisance, nor discharge waste not covered by the waiver, including no discharge of petroleum, hazardous material or human waste, and (4) access must be granted to Regional Water Board staff to determine compliance with the waiver policy.

A flow chart was displayed to demonstrate the collaborative waiver process.

Mr. Quarles reviewed the four waiver categories.

- ◆ Waiver Category I – for all non-federal timber projects that meet the sixteen conditions and the general conditions that apply to all projects.
- ◆ Waiver Category II – for emergencies or exemptions that do not qualify under Category I
- ◆ Waiver Category III – for THP, NTMP, exemption, emergency, and for projects on non-federal lands.
- ◆ Waiver Category IV – USFS will participate in the review process based on the timber harvest activities on federal land risk to water quality.

Mr. Corbett suggested that the original language from the statute was somewhat changed. Such as the word “diligently” replaced a word that was in the statute. He indicated that words tend to have different meaning and/or can be interpreted differently, and to be consistent with the statute, we should use the same wording as the statute. Mr. Corbett asked if the minutes of the meetings would be included in the administrative file that was entered into the record. Ms. Warner stated that the board meeting minutes for the year 2002 that have waiver discussion in them would be a part of the administrative record.

Harold Singer, the Executive Officer of the Lahonton Regional Water Board, stated that he worked with other regional boards in an effort to adopt a consistent statewide waiver policy. The Lahonton Regional Board published their waiver policy and he stated that he anticipated that other regions will publish their version of the waiver in the near future, and the versions were generally consistent. The key is that the current collaborative draft waiver policy is a relatively good policy. The challenge is to try to resolve water quality issues.

James Pedri, Assistant Executive Officer of the Central Valley Regional Water Board, stated that their staff informed their board members and the industry that the Central Valley will not have a waiver in place by January 2003. He did indicate that staff’s plan is to have a draft waiver policy out before the end of January. Mr. Pedri stated that the Central Valley Region oversees 50 percent of the state timberland and has only two staff members to cover the industry. He stated that the review team process is an important process in timber harvesting, and a way to interact with other agencies. The Central Valley’s waiver version will be published week of December 15, 2002.

Helen Libeu requested that the Board retain any authority they have over water quality and not give it to the Department of Forestry. Ms. Libeu suggested that foresters do not have any respect for water quality, and would benefit from a workshop on water quality matters.

Dan Fisher, director of Northern Operations for Fruit Growers, believes that the collaborative waiver is too complex, costly, time consuming, and duplicative for the landowners and taxpayers. He requested that the Board deny order R1-2002-0104, and adopt Order R1-2002-0109 with suggested changes.

Nick Kent, a consulting forester in Willits, stated that he supports the interim draft waiver and requested that it be extended for at least one year. Mr. Kent stated that the collaborative timber waiver would add a financial burden on landowners and would only add confusion to the timber harvest process. He said the current Forest Practice Rules are adequate to protect water quality. He also said that Regional Water Board staff needs additional forestry training.

Peter Ribar, representing Campbell Timber Company, indicated that Campbell Timber Company submitted a letter supporting a modified version of the interim order. Mr. Ribar stated although the THP is a timely process and costly, it does work. Campbell Timber Company is concerned with the adoption of additional processes that would be redundant and delay approval of the THP. He suggested that additional modification of the interim waiver would be required to make the waiver more viable.

Bernie Bush, Simpson Resource Company, suggested that order number R1-2002-0104 should be disregarded and order R1-2002-0109 adopted. The waiver should be extended to 12 months and not 6 months.

Jim Branham stated that Pacific Lumber Company has also sent a letter recommending changes. He stated his support for the adoption of order R1-2002-0109 (Interim Waiver) with the recommended changes in section G. He urged the Board to extend the waiver to at least a year.

Dan Weldon, Executive Director of the Forest Landowners of California, voiced his support for the interim categorical waiver. He referred to the changes in the errata sheet and pointed out that section G-1 of the waiver should be changed.

Jim Clark, with Coastal Forestlands, LTD., encouraged the Board to adopt waiver order number R1-2002-0109 with the condition that the waiver will be extended to one year.

Charles Greenlaw, a landowner with a NTMP timber plan, said that his NTMP plan was submitted to CDF in Santa Rosa. CDF did a great job when they reviewed the plan and inspected his property. He urged the Board to extend order number R1-2002-0109 for one year.

11:20 break was observed

Brian Staab, with the United States Forest Service, strongly supported the adoption of the collaborative waiver (R1-2002-0104); but could also support adoption of the interim waiver (R1-2002-0109), although the collaborative waiver provides a long-term solution and is consistent with what other, regional boards are suggesting. Mr. Staab indicated that if the Board decides to adopt the interim waiver, it should be extended for a year. Mr. Staab suggested that the existing waiver as written does not cover non-commercial silvicultural or timber harvesting activities. He said the Notice of Intent in Condition E of the collaborative waiver on page 7 should not apply to the Forest Service, and he indicated his support for the language in section 4B. He went on to suggest additional changes that he had previously submitted in writing during the comment period.

Dean Lucke, with the California Department of Forestry, stated that CDF had proposed 32 changes to Order R1-2002-0104 to eliminate inconsistencies and to clarify the order. He said

that Order R1-2002-0104 is inconsistent and will bring confusion in the waiver process. Mr. Lucke requested that the Board not adopt order R1-2002-0104, but adopt order R1-2002-0109 for an extended period of 12 months.

Larry Hansen, from Forestville, stated that he has monitored timber harvest plans since 1987. He said it was always clear that water quality staff intended to protect the water while CDF seemed intent on assisting in the logging process. Mr. Hansen suggested that the Board allow the existing waiver policy to expire. He voiced his opinion that the Regional Water Board staff is in the best position to make decisions about water quality.

John Anderson, a current board member of the California Licensed Foresters Association, stated although they are in support of the interim waiver, he suggested some changes. He said it would severely impact the timber industry if the orders were adopted without changes as recommended.

Brian Schmidt, attorney for Earth Justice, stated that his firm submitted a letter to the Regional Water Board indicating that the Board cannot legally approve the interim or the collaborative waivers under the Clean Water Act or the Environmental Water Quality Act. The 9<sup>th</sup> Circuit Court of Appeals, on November 2, 2002, determined that silvicultural point source discharges are not limited to four types of discharges, but include other types of discharges such as those from culverts, ditches, erosion gullies.

Alan Levine stated that the Regional Water Board is responsible for protecting water quality. He suggested that the Board not allow CDF to interpret the Basin Plan. He stated that he supports order number R1-2002-0104, and suggested that order number R1-2002-0109 not be adopted.

Pamela Conley, a member of the Austin Creek Alliance, stated that CDF has not protected their creek using the THP review process. Logging has filled the creek with silt. Ms. Conley stated CDF informed one of the members of the Austin Creek Alliance that they could not come out to inspect the site because the logging had been completed. She opposed the continued use of the current THP review process.

Larry Myard representing Myard Ranch and as a director of the Mendocino County Farm Bureau recommended adoption of the interim waiver as modified. He stated that he supported a one-year rather than a six-month extension.

Richard Gienger indicated that he did not support the interim waiver, but supported the collaborative waiver. Mr. Gienger suggested that the waivers did not address the real problems. He said that the hillslope monitoring report showed that 35 or 40 percent of crossings have problems. He said that waste discharge requirements need to incorporate adequate standards.

Jim Little, President of the Forest Landowners of California, stated that the landowners support waiver R1-2002-0109 with the changes submitted by the Landowners Organization. He said that over the last year, less than 20 per cent of the applications for timber harvest plans were for non-industrial timber management plans and that this is an indication of the time, cost, and the impact involved. Mr. Little suggested that if additional regulations are added, it would be devastating to the small landowners.

Jesse Noell stated that the Board should not waive their authority to CDF.

Forest Tilley, suggested that the Board adopt Order R1-2002-0109, extend the time period to 12 months, and adopt the changes suggested by the Forest Landowners of California. He gave his support for the current THP process as a sufficient way for the Regional Water Board staff to provide comments. Additional regulations would be unnecessary and cause hardship for landowners.

Mark Rentz encouraged the Board to adopt waiver R1-2002-0109 with the recommended changes submitted in his letter. He indicated that there were inconsistencies in the errata sheet in paragraphs 2 at the top of page 5 and paragraph 1 on page 7.

John Corbett said that he believed that the language came out of the Forest Practice Rules, but indicated that he will review the language.

Robert Rogers stated that he supported waiver R1-2002-0109 with the recommended changes suggested by the Forest Landowners of California. Waiver R1-2002-0104 is burdensome, costly that would result in unnecessary delay.

Ted Stephens suggested that the Board adopt waiver R1-2002-0104 and not waiver R1-2002-0109. He voiced his concern that some of the regulations are chasing the original landowners away and bringing on unknowledgeable landowners. Mr. Stephens stated that after speaking in public at the last Regional Water Board meeting, he received a threat. An environmental activist told him that if he complains again about Regional Water Board staff and does not go along with the recommendations, he would pay.

John Williams stated that now is not the time to adopt waivers that will cost both the landowners and the state. CDF is funded to do what is necessary to protect water quality. Mr. Williams stated that he supported waiver R1-2002-0109 with suggested changes.

Cynthia Elkins stated that categorical waivers are not in the public interest. Now is the opportunity for the Board to exercise their authority.

Lunch break at 12:30 until 1:45 p.m.

Jodi Frediani, representing Citizens for Responsible Forest Management, stated that she thought that it would be inappropriate for the Regional Water Board to pass either of the waiver packages today. Ms. Frediani suggested that CDF does not adequately enforce the THP plans. She urged the Board to protect the water quality and not leave it up to the Department of Forestry.

Toben Dilworth, representing Northern California River Watch, suggested that we are currently living in a state and a time where coastal rivers and streams are facing danger. He said that hundreds of miles of rivers and streams and waterways have been listed as impaired with sediment and silt discharge throughout Region 1. He said the Regional Water Board should retain their authority to protect water quality and not leave it up to CDF.

Richard Hoff stated that the Regional Water Board must step in and monitor CDF to protect water quality. He said if the Board will not protect water quality, who will?

Ken Miller, a representative of the Humboldt Watershed Council, stated that the economic consequences to tax payers have not been addressed in the Basin Plan. He requested that the language in the waiver in Finding number 14 be switched from may to shall to be consistent with the Basin Plan.

Lawrence Dwight, president of Humboldt Del Norte Cattlemen's Association, recommended that the interim waiver be adopted. He said the waiver currently in place has worked. He said the North Coast Regional Water Board has at its disposal multiple tools to deal with the five percent of timber harvest plans on which Board staff non-concurs. The Association recommends that the Regional Water Board adopt the waiver and look for ways to work with CDF.

Wayne Whitlock, representing the Forest Resource Council, stated that comments were submitted to the Regional Water Board, but he wanted to reiterate that the Forest Resources Council supports the suggestions made by the Humboldt Del Norte Cattlemen Association to change Resolution R1-2002-0109 as recommended by the Coalition's letter.

Stuart Farber, biologist for Timber Products Company, indicated that Timber Products Company supports the waiver R1-2002-0109 except section G on page 5, because it doesn't allow for the continuation of adaptive management. Mr. Farber recommended that the waiver R1-2002-0109 be adopted and that section G on page 5 be deleted.

Warren Alford, with the Sierra Club of California, stated that waiver R1-2002-0109 is not in the public's interest. The Regional Water Board would have better control over water quality if waste discharge requirements are issued.

Craig Bell, representing Salmonids Restoration Federation and River Guides Association, urged the Board to act in the strongest way possible to protect water quality. The interim waiver is not in the public's interest. CDF has not protected the water quality; and it is the responsibility of the Regional Water Board to do so.

MOTION: John Corbett moved to adopt Order No. R1-2002-0109 with the Errata and subject to any amendments to be made in the order. Gerald Cochran seconded the motion.

A discussion of the motion ensued. John Corbett affirmed Regional Water Board staff's clarification that the waiver exempts reports of waste discharge, waste discharge requirements, and limits monitoring in accordance with Section 13267.

Mr. Corbett stated that in Finding number 14 of the document the word "may" should be replaced with the word "shall" and replaced elsewhere in the document.

Gerald Cochran stated that on page 7 item K of the document the expiration date should be changed to December 31, 2003.

John Corbett stated that as per the public comments the word "diligently" in item F.2, of the Order is viewed as a lesser standard. He recommended that the word be deleted.

Shawn Harmon expressed concern that the language in item G. 1. of the Order could prevent the Executive Officer from issuing a waiver for timber operations which varied in whole or in any part from the approved timber harvest plan even though the variation might have no impact on water quality. He stated that the issuance of a waiver should only be affected if any timber harvest plan change affected water quality.

Susan Warner requested that time be allowed for staff to work up language to address Mr. Harmon's concern and report to the Board. Chairman Massey granted staff time.

Richard Grundy requested clarification on Finding number 10 and stated that there was not a hearing mentioned in the order above Finding number 10.

Ms. Warner stated that Finding number 10 was a drafting error and should be removed because Finding number 22 says much the same. Sheryl Freeman indicated that the Board could combine Findings 10 into 22 for clarity and completion. Ms. Warner proposed the following language which would incorporate Finding 10 into Finding 22: "The Regional Water Board, based on the testimony received at the aforementioned hearing and the negative declaration, determines that the adoption of the interim waiver of waste discharge requirements for timber operations in accordance with this policy, will not be against the public interest and will not have a significant impact on the environment." Mr. Grundy concurred with the proposed language.

There was extensive discussion on the language of Finding 11 of the waiver. Mr. Corbett suggested clarification of the fact that the US Environmental Protection Agency *approves* Board

actions while the State *certifies* them. Ms. Moore suggested that the word *approve* be placed in parentheses after the word *certify* to incorporate both state and federal language. Mr. Corbett concurred with the proposed change.

Mr. Grundy suggested that the use of the word "policy" in Finding 19 appeared to be inappropriate. Ms. Warner suggested changing the word "policy" to "Order."

Ms. Warner gave new language for G 1, "A timber operation that has varied in whole or in any part from the approved timber harvest plans, non-industrial management plans, exemption, emergency or other project document that in any way could adversely affect water quality". Shawn Harmon agreed with the new language.

Mr. Grundy stated that the language of item F. 4, on page 5 of the Order was not consistent with language used in the non-timber waiver policy previously adopted by the Board. Staff was given time to find and report on the previously adopted language.

Mr. Grundy stated that the language of item I.4. on page 7 of the Order was not grammatically correct. Mr. Harmon suggested the following language: "Any silvicultural operation not complying with the applicable conditions of this waiver." Mr. Grundy concurred with the proposed change.

Mr. Grundy made a personal statement that he was concerned that the Forest Practice Rules were not adequate to protect water quality and need to be upgraded. He stated that the interim waiver policy would give the Board a working document but suggested that the Board revisit the staff's proposal the next time waivers are brought to the Board for review.

Mr. Corbett suggested adding the sentence, "Cooperative monitoring programs from a wide variety of approaches are encouraged." to be inserted on page 5 section 4.

Ms. Warner recommended changing Item G.5. to be consistent with the language of item I. 4. The word "complying" would be substituted for the words "in compliance."

In reporting to Mr. Grundy on the difference of the language in item F.4. of the proposed interim timber waiver policy and similar language in the adopted non-timber waiver policy, Ms. Warner explained that only a small percentage of the timber harvest plans reviewed by staff would require the issuance of monitoring programs and that the language currently proposed in the interim timber waiver policy, which gives discretion to the Executive Officer to assign monitoring, was appropriate. Mr. Grundy expressed his intent to revisit this matter in the future.

The Board discussed how Resolution R1-2002-0109 would apply on Federal lands. Mr. Staab, representing the US Forest Services, had indicated that the Resolution was acceptable except that it did not apply in two situations. The first situation are those activities that the Forest Service were conducting themselves and the other situation where similar activities are constructed under contract. Mr. Grundy stated that if there were somehow legal counsel could insert the language to address the two issues, he would make a motion to incorporate the language into the present draft. The purpose is to cover the two issues that would otherwise fall through the cracks.

After considerable discussion amongst the Board members, Executive Officer, legal counsel and Mr. Staabs on the language and clarity of Resolution R1-2002-0109 with respect to the US Forest Service concerns, the Board concluded that no further changes in the Resolution were required.

Ms. Warner reviewed the changes made in the document as:

There are no changes on page 1  
On Page 2, Finding 10 will be struck and applicable language will be moved elsewhere. In Finding 11, the word "approve" is added in parentheses after the word "certify."

In Finding 14, the word "may" is to be replaced by the word "shall."

On Page 3, Finding 22, a portion of the language from the deleted Finding 10 is added to this section as follows: "this policy will not be against the public interest and will not have a significant impact on the environment."

In Finding 19, in the last sentence, the word "policy" is replaced by the word "order".

On Page 5, item F. 2., the word "diligently" is being removed and the following sentence is added at the end of item F. 4: "Cooperative monitoring programs from a wide variety of approaches are encouraged."

In Item G. 1., the following will be added to the end of the last sentence "that in any way could adversely affect water quality."

In Items G. 5. and I. 4., the words "in compliance" will be replaced with the word "complying." In Item K, the expiration date should be changed to read December 31, 2003.

MOTION: John Corbett moved to adopt Resolution RB1-2002-0109 as amended by the Board. Gerald Cochran seconded the motion. The motion passed unanimously.

## **2. Consideration of Adoption of Waivers for Active Timber harvest Plans as of January 1, 2003, for Private and State Lands within the North Coast Region**

Chairman Massey administered the oath to those who expected to give testimony.

Nathan Quarles introduced the administrative file into the record. He reported that there were active timber harvest plans that have waivers under Resolution No. 87-113 and those waivers expire on December 31, 2002. Mr. Quarles stated that the staff requested active timber harvest plans from 1997 through November 18, 2002 from the California Department of Forest.

This agenda item was scheduled for the Board to consider the adoption of Order No. R1-2002-0111, which would renew the waivers of waste discharge requirements for currently active timber harvest plans for which waivers were previously issued under Resolution No. 87-113. The proposed waiver conditions under Resolution No, R1-2002-0111 for active timber harvest plans would require dischargers to:

- ◆ Operate under an approved CDF timber harvest plan;
  - ◆ Comply with the terms and conditions of the timber harvest plan;
  - ◆ Comply with local, state, or federal laws and regulations;
  - ◆ Allow Regional Water Board staff reasonable entry to determine compliance with the waiver conditions;
  - ◆ Comply with the Basin Plan;
  - ◆ Not create a condition of pollution, contamination, or nuisance;
  - ◆ Comply with State Water Resource Control Board policies including Resolution No. 68-16.
- Waivers issued under Order No. R1-2002-0111 would remain in effect for a period not to exceed 5-years.

Mr. Quarles displayed a list of the THPs that were to be deleted from attachment A. Mr. Quarles concluded his presentation by stating that the proposal is to issue individual waivers of waste discharge requirements for 1345 active timber harvest plans.

There was a brief discussion amongst the Board members and Mr. Quarles on the waiver and clarification on the THP list.

Brian Staab with the U.S. Forest Service questioned how the existing projects that have been approved and undergone review would be treated. He said it appeared that the existing projects could be enrolled in the existing waiver that had just been approved by the Regional Water Board. However, there may be some potential issues with contracts that were in existence since 1995. He suggested that the THPs be brought forth as a package, the existing NEPA documents be reviewed, and based on the NEPA document a CEQA document be prepared.

The Board suggested that Mr. Staab work with Mr. Quarles on a process that will help the U.S. Forest Services resolve the potential of contractual issues on the active THPs.

Mr. Grundy stated that he would not want the Regional Water Board's action to result in an abrogation of US Forest Service projects. Mr. Grundy suggested that a sentence be added to the Resolution to indicate that the Regional Water Board's intent is to recognize that the Forest Service projects had been through a full NEPA review and an environmental analysis.

Ms. Moore asked Mr. Staab if it would be helpful for the Board to insert language into the Resolution stating that it was unable to issue a waiver for the US Forest Service at this time but that the Board was confident that the Forest Service was complying with the provisions of the Basin Plan. Mr. Staab said that it would be helpful.

Mr. Grundy stated for the record that it is the Board's understanding that the US Forest Service's projects comply with the Basin Plan and when the documentation is fully reviewed, that they will comply with Resolution R1-2002-0111.

Mark Rentz asked if those members who have US Forest timber sale contracts could operate on those contracts tomorrow, or are their contracts suspended. He suggested that the Board adopt the following wording: "that all plans approved before January 2003 maintain their waiver."

Peter Ribar, Campbell Timberland Management, stated that he was confused about the THP list. He indicated that he had about 19 active projects that were not on the 'A' list that Mr. Quarles presented to the Board. He requested that the Board include the 19 projects on the list.

Alan Levine, representing Coast Action Group, stated that he had some of the same concerns as did Mr. Grundy. He stated that some of the THPs from 1995 to 2000 are not subject to some of the updated Forest Practice Rules or the Threatened or Impaired Rules. He said the Board now has an opportunity to require THPs to comply with both the Forest Practice Rules and the Threatened or Impaired Rules.

Bernie Bush stated that three categories of THPs are not on the list. He reiterated that his letter requested that all THPs be included in the waiver prior to January 2003 as part of the waiver.

Richard Gienger stated that he had a hard time understanding which THPs deserved waivers. He suggested that the Board consider adding another list that stated, "Forest Practice plans that violate water quality.'

Ken Miller stated that he observed that the CEQA standard for new information could allow a THP to be opened up for review again. He suggested that based on new information from the Van Duzen watershed, timber harvest plans in the Van Duzen plan should not be waived.

Cynthia Elkins indicated that she believed that the proposal that EPIC submitted to the State Board in July 2002 describes a much more efficient process than using individual THPs or WDRs.

Board members discussed the question of whether all active THPs eligible for waivers were now covered by the adopted timber harvest plan waiver policy or by Resolution No. R1-2002-0111 which is being considered for adoption.

Susan Warner suggested that the Board could bring back those THPs that should be a part of Appendix A at the January board meeting.

MOTION: John Corbett moved to adopt Resolution No R1-2002-0111 with Attachment A (less the buff colored sheets, which identified specific THPs to be deleted from Attachment A), with the understanding that staff will bring before the board at the January 2003 board meeting those THPs that are caught in the time frame of November 18 to December 31, 2002. Gerald Cochran seconded the motion.

Richard Grundy pointed out that on page 2 of the Resolution item 13 the word "*may*" should be changed to "*shall*" as also stated in item 12.

MOTION: Mr. Corbett and Mr. Cochran agreed with Mr. Grundy's change and amended the motion accordingly. The motion passed unanimously.

MOTION: Richard Grundy moved that the Regional Water Board staff and the Forest Service meet to discuss and review the two categories of activities and come back to the Board with suggestions on how to handle the previously discussed THPs and in which category they should be placed. John Corbett seconded the motion. Motion passed unanimously.

## OTHER BUSINESS

### 3. State and Regional Water Board Communications

Susan Warner stated that the State Water Board has changed their board meeting time and there is a conflict with Gary Carlton attending Region 1's board meetings. Ms. Moore indicated that she would like Mr. Carlton to attend Region 1's board meetings as much as possible. She recommended that the board change the meeting calendar to accommodate Mr. Carlton, if necessary.

### 4. Board Member requests for future agenda items

Ms. Moore suggested that the Board invite Jack Selvage to help them in their goal planning session at the January 2003 board meeting. The Board members agreed. Ms. Warner will contact Mr. Selvage and check on his availability.

### 5. Executive Officer Administrative Civil Liabilities

None issued.

**6. Other Items of Interest**

None presented.

Closed Session items: **7, 8, 9, 10, 11, and 12**

There being no further business to come before the meeting body, the meeting adjourned at 4:07 p.m., until the next scheduled Board Meeting on January 23 and 24, 2003.

The Secretary, E. Jean Lockett recorded the minutes of the December 10, 2002, meeting of the North Coast Water Quality Control Board, to be approved by the Board at a subsequent Board Meeting.

Chairman \_\_\_\_\_

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