

May 8, 2006
Fountain Grove Inn
101 Fountain Grove Parkway
Santa Rosa, CA 95403

Monday, May 8, 2006

Chairman William Massey convened the Regional Water Board meeting at 9:05 a.m. The May 8th board meeting was a continuation from the April 24 and 25, 2006 Eureka board meeting.

i. Pledge of Allegiance

John Corbett 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

There were no Ex Parte Communication disclosures.

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

iv. Public Forum

There were no speakers during Public Forum.

1. **(CONTINUED)**
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)

Vice-Chairman John Corbett administered the oath to all of those who expected to testify at the day's meeting.

Non-evidentiary policy statements were received from the following persons:

John Broadstock, Fire Chief with Scotia Volunteer Fire Department
Sal Chinnici, employee of Pacific Lumber Company

Daniel Dill, Scotia School District Board Member
Steve Wigginton, employee of Pacific Lumber Company
Ted Tremayne, representing Britt Lumber Company
Hugh Heuer, employee of Pacific Lumber Company
Jim T. Holdner, Elk River Watershed Resident
Rex H. Bohn, representing a family-owned business
Cliff Osmun, employee of Steve Will's Trucking Company
Aaron Williams, employee of Steve Will's Trucking
Steve Will, owner of Steve Will's Trucking Company
Allen McCloskey, representing employees of Will's Trucking Company
David Walters, owner of Pacific Timber Company
Rodney Sanderson, A vocational Pastor, representing the People of Rio Dell and Scotia
Susan Davis, representing Rio Dell Scotia Chamber of Commerce
Paul Mason, representing the Sierra Club

Testimony was given by the following designated parties:

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:

ADVISORY TEAM REGIONAL WATER BOARD

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

The Advisory Team gave a presentation that briefly covered the purpose of the day's meeting.

- Discuss the motions that the Board made at the April 24 and 25 board meeting in Eureka
- How to handle enrollments in the WWDR if the permit was adopted at the end of the meeting
- The purpose for the permits:
 - Restore the beneficial uses for the Elk River and Freshwater Creek by: Minimizing the amount of new sediment runoff from timber harvest operations. Restore chemical and physical integrity of the streams through dredging or other kinds of operations as well as cleanup of existing discharges
- How to integrate PALCO's proposed WWDRs into the Issuance Team's proposed WWDRs

The Issuance Team, Pacific Lumber Company, The Owners, California Forestry Association, Humboldt Watershed Council, Environmental Protection Information Center, and Elk River Residents Association gave their presentations on revisions to the WWDRs and also presented rebuttal statements.

Closing statements were presented by the designated parties.

Vice-Chairman Corbett opened the meeting up for Board members' questions.

At 1:15 p.m., Chairman William Massey closed the public meeting and the Regional Water Board adjourned for lunch and began closed session deliberations.

At 5:55 p.m. Chairman William Massey reconvened the meeting from closed session and turned the meeting to Vice-Chairman John Corbett made the following motion:

Motion: John Corbett expressed his thanks to the board and to the Advisory Team for their help during the hearing.

Mr. Corbett moved as follows:

That in the event of any inconsistencies, the WWDRs and Resolutions be conformed to the motion.

The Board finds that the scope of changes are within the CEQA provisions and documents and are found to be adequate.

Sediment: The Regional Board adopts the staff 125 percent maximum sediment level of 125 percent above the natural background level; thereafter the board adopts a zero (0) sediment discharge level. A further condition of zero sediment discharges is that the discharger is required to provide an enforceable monitoring plan acceptable to the Executive Officer to prove no sediment discharges are occurring

Waterflow: The staff peak wet weather flow model is adopted but at a 7 percent level for a longer recovering amortization period as is presented in the issuance team "Empiracle Peak Flow Reduction Model" page 27 figure 14 approximately titled Peak Flows over 20 years.

It is noted for the record there are no concrete infrastructure provisions for the board to act on at this time.

The Grandfathering Provisions have been changed and it is no longer required to meet all CAO provisions before conducting Timber Harvesting operations under the WWDRs. The Executive Officer, however, is directed to strictly enforce compliance with all Cleanup and Abatement Orders, including Deadlines.

Small Landowners: It has been clarified that this proceeding and model may be consulted but small landowners shall be entitled to an independent public hearing as provided for in the December 2003 board motions. We have directed the Executive Officer to develop Watershed General Discharge Requirements for non-industrial owners to provide an expedited permit process for the non-industrial smaller landowners.

There is an errata sheet that we have attached to our 2003 motions. The general waste discharge enrollment provisions and findings were changed to not undermine our March interim permit motions and to be consistent with Judge Lutton's decision by only per se excluding, Watershedwide Waste Discharge Requirements

It was moved to adopt Orders No. R1-2006-0038 and R1-2006-0040. Gerald Cochran seconded the motion. The motion passed unanimously.

Chairman William Massey thanked Vice Chairman John Corbett and counsel Erik Spiess for their outstanding job in assisting the Regional Water Board members prepare for these hearings and for the preparation and dissemination of all of the necessary documents.

Gerald Cochran also thanked Vice Chairman John Corbett, Staff Counsel Erik Spiess, and Executive Officer Catherine Kuhlman for all of their hard work. He further stated that he appreciated all of the information and input that was made available from many different sources. He noted that the information assisted the Regional Water Board to better understand the issues.

Transcripts are available for this item.

There being no further business to come before the Regional Water Board, the meeting adjourned at 6:10 p.m. The next Regional Water Board Meeting is scheduled for May 17, 2006 in Fortuna

Chairperson _____

Date: _____

