

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
December 2, 2008

Copies of the resolutions and water quality orders can be obtained by calling (916) 341-5600 or downloading from our website at http://www.waterboards.ca.gov/board_decisions/adopted_orders/index.shtml.

CALL TO ORDER

Board Chair Tam Doduc called the meeting to order on December 2, 2008 at 10:09 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Board Chair Tam Doduc; Vice-Chair Gary Wolff, P.E.; Member Arthur G. Baggett, Jr.; Member Charlie Hoppin
Member Frances Spivy-Weber

STAFF PRESENT

Jonathan Bishop, Chief Deputy Director	Les Grober, Division of Water Rights
Michael Lauffer, Chief Counsel	Vicky Whitney, Division of Water Rights
Jeanine Townsend, Clerk to the Board	Jim Kassel, Division of Water Rights
Michael Levy, Office of Chief Counsel	Jean McCue, Division of Water Rights
Steven Blum, Office of Chief Counsel	Larry Lindsay, Division of Water Rights
Dana Heinrich, Office of Chief Counsel	Jane Farwell, Division Water Rights
Matthew Bullock, Office of Chief Counsel	Steven Herrera, Division of Water Rights
Bill Rukeyser, Office of Public Affairs	Karen Niiya, Division of Water Rights
Barbara Evoy, Division of Financial Assistance	Nick Martorano, Division of Water Quality
Leslie Laudon, Division of Financial Assistance	Liz Haven, Division of Water Quality
Ken Harris, Office of Research, Planning & Performance	Darrin Polhemus, Division of Water Quality
Val Connor, Office of Research, Planning & Performance	Rik Rasmussen, Division of Water Quality
Gita Kapahi, Office of Public Participation	

ANNOUNCEMENT

- *Evacuation information in case the fire alarm goes off during the meeting.*
- *The Board meeting is being webcasted and recorded.*

PUBLIC FORUM

Commenter

Tim O'Laughlin, San Joaquin River Group Association

BOARD BUSINESS

1. The Board will consider adoption of the November 18, 2008 Board Meeting minutes.

No Action Taken – Item deferred to January 6, 2009 Board Meeting

2. Board Member Report.

Nothing to Report

UNCONTESTED ITEMS (Items 3 & 4*)

- *3. Consideration of a proposed Resolution approving a waiver from the Small Community Wastewater Grant (SCWG) Program Guidelines for Ventura County WaterWorks District No. 16 (District) to implement the [Piru Wastewater Treatment Plant Design-Build Upgrade/Expansion Project](#) (Project); Clean Water State Revolving Fund (CWSRF) Project No. C-06-4946-110 and SCWG Program Project No. SCG-922.

Motion: Member Spivy-Weber moved to adopt the proposed Resolution.

Seconded by: Member Baggett

MOTION CARRIED ([Resolution 2008-0087](#))

Aye Board Chair Doduc
 Vice Chair Wolff
 Member Baggett
 Member Hoppin
 Member Spivy-Weber

Nay: None

Absent: None

Abstain: None

- *4. Consideration of a proposed Resolution to commit unused Proposition 13 Wastewater Construction and Coastal Nonpoint Source Control, and Proposition 84 Agricultural Water Quality Funds to operate [Project Monitoring Data Centers](#).

Motion: Member Spivy-Weber moved to adopt the proposed Resolution.

Seconded by: Member Baggett

MOTION CARRIED ([Resolution 2008-0088](#))

Aye Board Chair Doduc
 Vice Chair Wolff
 Member Baggett
 Member Hoppin
 Member Spivy-Weber

Nay: None

Absent: None

Abstain: None

DIVISION OF WATER QUALITY

5. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a Total Maximum Daily Load (TMDL) for Eutrophic, algae, ammonia, and odors (Nutrients) in [Machado Lake](#). *(Written comments were due on November 7, 2008 by 12:00 noon.)*

Motion: Member Spivy-Weber moved to adopt the proposed Resolution.

Seconded by: Chair Doduc

MOTION CARRIED ([Resolution 2008-0089](#))

Aye Board Chair Doduc
 Vice Chair Wolff
 Member Baggett
 Member Hoppin
 Member Spivy-Weber

Nay: None

Absent: None

Abstain: None

DIVISION OF WATER RIGHTS

6. Consideration of a proposed Order revoking the United States Bureau of Reclamation permits to divert water for the [Auburn Dam Project](#) from the North Fork American River and Knickerbocker Creek in Placer and El Dorado Counties. (*Written comments were due on November 20, 2008 by 12:00 noon.*) [Errata Sheet \(12/1/08\)](#)

Motion: Member Hoppin moved to adopt the proposed Order with changes in Staff Errata Sheet and further revisions read into the record.

Seconded by: Chair Doduc

MOTION CARRIED ([Water Rights Order 2008-0045](#))

Aye Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Hoppin
Member Spivy-Weber

Nay: None

Absent: None

Abstain: None

Commenters

Alexandra Snyder, Congressmen Dan Lungren Office
Chris Shutes, California Sportfishing Protection Alliance
Danny Merkley, California Farm Bureau
David Rose, State Water Resources Control Board
DeeAnne Gillick, County of San Joaquin
Gary Estes, Protect American River Canyons
Gregory Gilmore, General Public
Jonas Minton, Planning & Conservation League
Karna Harrigfeld, Stockton East Water District
Michael Jackson, California Sportfishing Protection Alliance
Ronald Stork, Friends of the River

7. Consideration of a proposed Decision to conditionally approve a water right application for the [Orange County Water District](#) to divert 362,000 acre-feet per annum of water from the Santa Ana River in Orange and Riverside Counties. (*Written comments were due on November 20, 2008 by 12:00 noon.*) [Errata Sheet \(11/25/08\)](#)

Motion: Member Baggett moved to adopt the proposed Decision with changes in Staff Errata Sheet and further revisions read into the record.

Seconded by: Member Spivy-Weber

MOTION CARRIED ([Water Rights Decision 1647](#))

Aye Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Hoppin
Member Spivy-Weber

Nay: None

Absent: None

Abstain: None

Commenters

Chris McNevin, Orange County Water District
Craig Miller, Orange County Water District
David Aladjem, Downey Brand

INFORMATIONAL ITEMS

8. Initial report of the [California Water Quality Monitoring Council](#) to the California Environmental Protection Agency and the Resources Agency. The State Water Board will not take action on this item.

➤ *Jonathan Bishop, State Water Board Chief Deputy Director and Leo Wintermintz with Resources Agency made the presentation to the Board. ([Presentation](#))*

Commenters

Gary Yamamoto, Department of Public Health

Linda Sheehan, California Coastkeeper Alliance

9. Update on status of development of revisions to the Draft Policy for Maintaining [Instream Flows](#) in Northern California Coastal Streams.

➤ *Karen Niiya, Steven Herrera both of Division of Water Rights and Dana Heinrich with the Office of Chief Counsel presented the staff update to the Board.*

➤ *The following individuals were also part of the presentation:*

- *Peter Kiel, Ellison, Schneider & Harris ([Presentation](#))*
- *Brian Johnson, Trout Unlimited*
- *Bob Wagner, Consulting Engineer*

10. Update on improvements being made to electronic [Water Rights Information Management System](#) to allow publicly accessible web-based display of permitted places of use.

No Action Taken - Item was deferred to the January 6, 2009 Board Meeting

CLOSED SESSION

Closed Session are not open to the public

- The Board will meet in closed session to deliberate on a proposed order following a hearing on proposed revocation of the United States Bureau of Reclamation's permits to divert water for the Auburn Dam Project from the North Fork American River and Knickerbocker Creek in Placer and El Dorado Counties. This closed session is authorized under Government Code section 11126, subdivision (c)(3).
- The Board will meet in closed session to deliberate on a proposed decision following a hearing on Orange County Water District's water right application on the Santa Ana River in Orange and Riverside Counties. This closed session is authorized under Government Code section 11126, subdivision (c)(3).
- The Board will meet in closed session to discuss ongoing litigation in East Bay Municipal Utility District v. State Water Resources Control Board (Alameda County Superior Court Case No. G07329738). (This is authorized under Government Code section 11126, subdivision (e)(2)(A).) The Board will also discuss a decision to initiate litigation. (This is authorized under Government Code section 11126, subdivision (e)(2)(B).)

No Closed Session was held.

ADJOURNED

The Board Meeting adjourned at 1:46 p.m.