

State of California
Regional Water Quality Control Board
North Coast Region

Minutes of Board Meeting
February 27-28, 2002
Eureka Public Marina
Wharfinger Building
1 Marina Way
Eureka, CA

February 27, 2002

On February 27, 2002, the regularly scheduled Board meeting of the Regional Water Quality Control Board, North Coast Region, was called to order by Vice Chair Dina Moore at 1:05 p.m.

i. Pledge of Allegiance

Beverly Wasson led the Pledge of Allegiance.

ii. Roll Call and Introductions

Board Members Present: Beverly Wasson, Shawn Harman, Jack Selvage, Dina Moore, John Corbett, William Massey, and Richard Grundy.

Staff Members Present: Executive Officer - Susan Warner. Assistant Executive Officer - Frank Reichmuth. Division Supervisors - Robert Tancreto, Nathan Quarles and Ranjit Gill. Legal Counsel - Erik Spiess and Sheryl Freeman. Seniors - Tom Dunbar and Diana Henriouille-Henry. Technical Staff - Andy Baker, Rebecca Fitzgerald, Carrie Lukacic, Joelle Geppart, Bryan McFadin, Lisa Cinti and Don Coates. Administrative Staff - Kathleen Daly, Terry Barnes, Cathleen Hudson and Greg Nash.

iii. Ms. Warner introduced her staff and informed the Board about the content of the workshop. She mentioned the time frame for public comments and referred to the speaker slips for the public to fill out in order to speak to the Board. Ms. Warner then introduced David Kuszmar.

iv. David Kuszmar introduced the staff who would be speaking later in the workshop. He explained that the presentation would be in three sessions. Handout number 1 contained all the slides the Board would be seeing on the screen today. He explained they scheduled the item for 4 hours, and that it was more of a discussion than a one-sided presentation. He encouraged the Board to ask questions.

Rebecca Fitzgerald gave a presentation on Fine Sediment and the Basin Plan, Beneficial Uses, Water Quality Objectives Related to Fine Sediment and Implementation Plans.

David Kuszmar discussed General Monitoring Techniques and Considerations. He mentioned the importance of clear monitoring objectives as essential to the success of a monitoring program.

Jack Salvage asked where the words reproducible and consistent come in to this. He mentioned if you have 5 parties taking the same water sample, you sometimes get 5 different answers. David Kuszmar replied that it was definitely a consideration and that it would be addressed later in the presentation.

Richard Grundy wanted to know whether considerations was given as to whether the results of the monitoring activities could be used as a basis of an enforcement action coming up. David Kuszmar responded that staff would be addressing the statistical certainty near the end of the discussion and requested postponement of the rest of the answer till then. He discussed Monitoring Design Considerations and Methods and Equipment, and displayed *Standard Methods*.

Jack Salvage asked about permit requirements.

Ms. Warner responded that certain permits have methods and procedures to follow. There is some negotiation for monitoring requirements on permits. New methods and procedures develop all the time in addition to the referenced manual, and she added that we have flexibility with our structure to use other methods.

Dina Moore asked about whether *Standard Methods* lays out methodology and protocols for measuring fine sediment, and, if so, she asked whether those practices that are accepted agency wide with EPA as well as our agency. Ms. Warner responded that some sampling protocols are included, and we used other references as well for standardizing sampling and analysis.

Kuszmar went on to discuss: Choice of Sample Location, Accounting for Variability and Statistical Considerations.

Chairman Massey arrived for the Workshop at 2:25 p.m.

David Kuszmar referenced Section 13267 of the Porter Cologne Act, and indicated that monitoring is not appropriate in all cases.

Richard Grundy asked about costs. David Kuszmar responded on equipment costs and staff time, and indicated, that for purposes of today's presentation, costs for staff time were standardized to about \$25.00 per hour, which may be more or less that which is charged by a particular consultant or that which costs you to use in-house staff. He then discussed the qualities of the "ideal parameter."

Chairman Massey called for a 10 minute break.

The Board reconvened.

David Kuszmar introduced Andy Baker, who discussed Bottom Deposit Parameters – V^* and Cobble Embeddedness. Baker began by discussing the concept of residual pool volume. He continued with how V^* and Cobble Embeddedness relate to the Basin Plan, and then discussed monitoring objectives, methods, equipment, sampling frequency, costs, and benefits vs. shortcomings for each of the two parameters. Lastly, Baker discussed practical examples of the staff's use of V^* and Cobble Embeddedness monitoring for the protection of water quality.

Robert Klamt explained habitat surveys.

Baker introduced Bryan McFadin, who discussed Channel Bed Parameters – Percent Fines and D_{50} . McFadin began by discussing the concepts of cumulative size distributions, McNeil sampling, and pebble counts. He continued with how Percent Fines and D_{50} relate to the Basin Plan, and then discussed monitoring objectives, methods, equipment, sampling frequency, costs, and benefits vs. shortcomings for each of the two parameters.

Richard Grundy asked for clarification on D_{50} .

Jack Selvage asked about the relationship of D_{50} to Sediment Load in locations where sediment moves in pulses.

Bryan McFadin answered that D_{50} is representative of the load on a reach scale and that D_{50} would increase then decrease as the sediment pulse passed.

Bryan McFadin introduced David Kuszmar who discussed Water Column Parameters – Suspended Sediment and Turbidity. Kuszmar began by discussing how Suspended Sediment and Turbidity relate to the Basin Plan. He continued by discussing monitoring objectives, instream vs. grab sampling methods, equipment, sampling frequency, costs, and benefits vs. shortcomings for each of the two parameters. He also introduced the topics of regression curve development and sample design by statistical power analysis, and demonstrated how such techniques may be used in conjunction with Suspended Sediment and Turbidity monitoring to verify compliance with Basin Plan Objectives at various spatial scales.

John Corbett left the Workshop at 2:00 p.m. and returned at 4:50 p.m.

David Kuszmar introduced Rebecca Fitzgerald, who explained which monitoring techniques should be used for certain situations and why.

David Kuszmar closed the presentations and thanked the Board.

Chairman Massey called for a 5 minute break.

Chairman Massey opened the Public Comment period and informed the public to keep comments to this workshop and not another portion of our agenda.

Public Comment Speakers:

Clay Brandon, Calif. Dept. of Forestry and Fire Protection (CDF), described efforts between CDF and the Board staff to address technical issues related to monitoring.

Bill Trush, H.S.U. Fisheries, presented information on sediment analyses.

Clark Fenton, Salmon Forever/Watershed Watch, discussed use of sediment analyses in the North Coast.

Naomi Steinberg, Friends of the Van Duzen, stated that a dozen volunteers are taking turbidity as suspended sediments samples on a routine basis. Volunteers dropped the bottles off at her front porch, her son picks them up when he drives into school in Arcata and drops them off with another volunteer, he brings back empty bottles and the process keeps going.

Stephen Levesque, Campbell Timberland Management, indicated the company was working with staff on monitoring needs. He also mentioned the variability of natural systems and the need for more than one number to show the health of the system.

Robert Diperna, EPIC, thanked David Kuszmar for putting together the presentation. EPIC supports the Regional Water Board efforts to get into monitoring the effects of particular projects and the effects of management activities in watersheds on water quality and the Basin Plan.

Kristi Wrigley, Resident of Elk River, Caltrans worker, hoped the Board isn't fixed on only methods, equipment, protocol, and test results, and by-passed observations from non-scientific people.

Ken Miller, Salmon Forever, mentioned cross sections and how there is a lot of flooding in a couple of watersheds, Freshwater and Elk.

Mark Rentz, Calif. Forestry Assoc., said it was the best workshop he had ever attended.

Jay Russ, Russ Ranch and Timber, commented as a concerned citizen and property owner off Red Creek.

Charles L. Ciancio, talked about the V* technique.

Curtis Miller, Hoopa Valley Indian Reservation, Environmental Planner. They are in the process of certifying their Water Quality Control Plan with EPA. They have nine in-stream continuous monitoring stations.

Seth Farhi, Grab Sampler, indicated he has been grabbing samples in the Head Waters Preserve in the old growth, which is as close to background natural levels that we can

most likely get in the county.

Joyce King, Salmon Forever, thanked the Regional Water Board for the work they do. Mentioned that good information can be obtained from small scale monitoring efforts. Spoke about data collection effort in which her porch is used as a drop-off and pick-up point.

Jesse Noell, Salmon Forever, stated that monitoring cross-sectional changes is important. There are many cross-sections in the Elk River and Freshwater that have been established in the past by the Army Corps of Engineers in order to determine what the flood plain mapping and zoning would be, and to set the flood insurance rates. Also to determine for the county's General Plan where people should build or where they should not build and what the risks are associated with that.

Chairman Massey closed the Workshop at 5:57 p.m.

February 28, 2002

On February 28, 2002, the regularly scheduled board meeting of the Regional Water Quality Control Board, North Coast Region, was called to order by Chairman Massey at 9:07 a.m.

i. Pledge of Allegiance

Jack Selvage led the Pledge of Allegiance.

ii. Roll Call and Introductions

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

Staff Members Present: Executive Officer - Susan Warner; Assistant Executive Officer - Frank Reichmuth; Division Supervisors - Robert Tancreto, Nathan Quarles and Ranjit Gill; Legal Counsel, Erik Spiess and Sheryl Freeman; Seniors - Tom Dunbar, Dave Evans, Tuck Vath and Robert Klamt; Technical Staff - Cody Walker and Carrie Lukacic; Administrative Staff - Kathleen Daly, Terry Barnes, Cathleen Hudson and Greg Nash.

iii. Minutes of Past Meetings

No Minutes were presented for consideration.

iv. Board Member Ex Parte Communication Disclosure

No Ex Parte communications were disclosed.

v. Public Forum

Chairman Massey advised speakers that issues related to Elk River and Freshwater Creek were scheduled for the afternoon, but if people could not be present in the afternoon they could speak during this time.

When called, Alan Cook indicated he would prefer to speak in the afternoon.

Kristi Wrigley, Elk River resident, expressed concerns with the delays and nuisance impacts to her and her neighbors because of Pacific Lumber Company timber harvesting.

Margie Nelsen, Freshwater Watershed Working Group, expressed concern for the severely aggraded stream from Pacific Lumber Company operations.

Ellen Taylor from the Mattole Valley representing the Lost Coast League expressed concern with sediment issues in the watershed.

Michael Evenson commented and sought more information regarding the use of the EDMS model in the North Coast Watershed Assessment for the Mattole River.

Richard Dorn and daughter Katie Dorn raised issues regarding staff's requirements versus his engineer's requirements on a timber harvest plan on Leggett Creek.

Jason Liles, representing the City of Healdsburg, spoke indicating the City shares the same goal as staff, and that he hoped that their moving toward tertiary treatment of the municipal wastewater as soon as possible could permit resolution of the current wastewater disposal dispute.

Bill O'Neil, representing Arcata Readimix, requested that one or two or all of the Board come out and look at his facility.

Teresa Lucchesi Cook, representing herself, spoke about Freshwater creek and flooding issues.

Cynthia Elkins, representing EPIC, spoke regarding the North West Pacific Railroad, and concern for water quality associated with its repair and operation.

Bill Bertain indicated he would speak later in the workshop.

Nurit Katz, a Freshwater Resident, spoke regarding concerns with stream quality.

Greg Colyar, a small business owner and Freshwater Creek resident, requested that the cutting rate in Freshwater Creek be reset.

Ken Miller requested that the waiver of waste discharge requirements be rescinded for Pacific Lumber Company.

Kaye Strickland, representing the North Coast Railroad Authority, spoke regarding the efforts underway by the railroad to comply with all requirements.

Jeffrey Hedin, area resident and licensed timber operator was well as a Piercy Fire District Board member spoke about concerns with the South Fork Eel River increased sedimentation.

Mark Lovelace, a Sunny Brae resident, spoke regarding Sierra Pacific's reluctance to comply with staff's monitoring plan for a timber harvest plan adjacent to Sunny Brae.

Dr. Howard May, a retired chemist with the US Geological Survey, expressed concerns with the using turbidity as a proxy for sediment loading, and raised the issue of hysteresis.

Larry Ward, and Elk River resident, requested waste discharge requirements and pre-project monitoring for Pacific Lumber Company timber harvesting activities.

Philip Nicklas, an Elk River resident, spoke regarding the deteriorated water quality in Elk River.

Richard Geinger requested the Board to give full consideration of the Dunn report.

Ralph Kraus, an Elk River resident, asked for waste discharge requirements and a logging moratorium until the TMDL was developed for Elk River.

Diane Beck, a Kneeland resident, speaking on behalf of the Sierra Club requested that the Board do more than TMDLs for these affected watersheds.

Bill Thompson, Jacoby Creek Valley resident, indicated that he helped to found the Jacoby Creek Land Trust, which services about 85 families. He pled with the Board to exercise the powers they have.

C.R. Langlois, owner of the Langlois property in Freshwater for 40 plus years, said he was a timber owner and has harvested timber. He mentioned turbidity from clear-cuts, and said we must reduce the size of clear-cutting.

Chairman Massey reiterated the request for Public Forum speakers.

Chairman Massey concluded the Public Forum.

Consent Calendar

Item 2: Order No. R1-2002-0020 Willits Redwood Company, Willits Sawmill, Mendocino County, Recision of WDRs, WDID No 1B89031RMEN.

MOTION: John Corbett moved to have the Consent Calendar adopted, Jack Selvage seconded. The motion passed unanimously.

Corrective Action

Item 3: **Order No. R1-2002-0015 PUBLIC HEARING to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability issued on January 18, 2002, to Mr. Brian Craig in the amount of \$30, 000 for failure to submit a site investigation report pursuant to Section 13267 (b) of the California Water Code.**

Chairman Massey administered the oath for all those who were prepared to give testimony in this matter.

Cody Walker addressed the Board by giving information on discharges caused or permitted by Brian Craig, resulting in violations of CWC 13267(b) for failing to submit a Workplan Implementation Report.

Chairman Massey continued the matter to later in the agenda.

Item 4: **State Water Resources Control Board/Regional Water Quality Control Board, *Strategic Plan--A Vision for the Future.***

Art Baggett updated the Board on the State budget, Board vacancies, the adoption of the enforcement policy, and gave a presentation on the Strategic Plan.

Chairman Massey adjourned the meeting for a 10 minute break.

Chairman Massey reconvened the Board, and returned to Item 3.

Item 3: **(continued)**

Cody Walker informed the Board of the background and circumstances which resulted in the issuing of the Administrative Civil Liability (ACL) for Brian Craig. Because of violations of California Water Code Section 13267, an ACL Complaint No. R1-2001-204 was issued. The Complaint proposed an assessment of \$30,000 with \$15, 000 suspended contingent upon submittal of the required Report. The Complaint was returned unclaimed by the U.S. Postal Service. Mr. Walker also informed the Board that Mr. Craig had not responded to any phone messages or letters sent from staff. Then on January 14, 2002, a call was received by an attorney representing Mr. Craig. The attorney later submitted documentation authorizing notice to receive service on behalf of Mr. Craig. The Complaint was then reissued on January 18, 2002. The Work plan Implementation Report has not been received as of today for implementation.

Dina Moore requested clarification on stepped forgiveness of penalties. Ms. Warner indicated that the Board could assess a specific amount, then forgive portions of amount for each quarter of compliance. Erik Spiess indicated the Board could also issue a Time Schedule (TSO) or another ACL so there will be a two-pronged approach involving two orders: one today for a fixed amount and a future order involving stepped amounts to encourage compliance.

MOTION: Dina Moore moved to adopt an ACL Order for \$60,000. Richard Grundy seconded the motion. The motion passed unanimously. The Board then discussed a second motion to direct staff to come back to the Board with a TSO. Dina Moore moved to issue a stepped ACL Potential and TSO. Richard Grundy seconded. The motion passed unanimously.

Chairman Massey moved items out of Order on the agenda.

Item 8: Update on Cleanup Programs and Activities in Humboldt County

Tuck Vath addressed the Board discussing the cleanup programs in Humboldt County, including: the Underground Tank Program, which is mostly handled by the Local Oversight Program; aboveground tank program; and spills, leaks, investigations, and cleanups (SLIC) program. He presented a map and discussed the history and status of contaminated sites near Humboldt Bay.

Item 12: Samoa Pacific Cellulose Proposal

Tom Dunbar gave the Board background on the former Louisiana Pacific pulp mill on Humboldt Bay, indicating the mill was now a chlorine-free mill. In 2001, Louisiana-Pacific sold the pulp mill to Samoa Pacific. This latter company was requesting a change in standards for its permit. As background, Mr. Dunbar indicated that the Environmental Council of States (ECOS) had a process which utilizes a tight time schedule to determine different standards. The ECOS process requires that the proposal be sponsored by a government entity. Samoa Pulp mill will present a proposal to the Board, and will ask the Board if it would be a sponsor to EPA for their proposal. Chairman Massey asked Ms. Warner if this was going to be an action item to which the Board would be expected to make a decision today or would it be something they would hold later. Susan said it can either act today, it's noted under "Other Business" which means you can act, or the Board could choose to defer at the Board's pleasure.

Tony Jaegel, the Environmental and Safety Manager for Samoa Pacific, addressed the Board. He spoke about the mill's pollution control methods, informing the Board that the mill is chlorine free and uses hydrogen peroxide for its bleaching process. Samoa Pacific has taken a very different approach to pollution control than what's prescribed in the Federal Regulations. The key principles of the

ECOS process include stake holder involvement. This ECOS process is very open to the public and would get people involved in the community, as well as all the agencies. Currently there are no similar proposals in California that he is aware of. California is a part of the environmental council of states and it does have a representative on that council. His company is asking for regulatory flexibility to replace the federal effluent limitation for BOD. He compared this mill with other mills in the state.

In response to Board questions, Mr. Jaegel indicated the company would need some involvement by the Regional Board staff. He hoped to have a first stake holder's meeting around the end of June this year. Once a final proposal is developed, a second stakeholder meeting would happen sometime near the end of August this year. Once a proposal is submitted to EPA, then pursuant to the state agreement EPA has four weeks to make a preliminary decision, and has three months to make a final decision. EPA review time would occur between November and January. He indicated that they planned a third stakeholder meeting at the end of May.

A discussion followed concerning how the ECOS final approved proposal would be incorporated into the NPDES permit. In June of 2003, a revised NPDES permit could be presented under this innovation program. Samoa Pacific thinks this is the best approach for the environment in all media, not just for water quality. It is best for water quality, air quality, and the solid waste production.

Tom Dunbar informed the Board that staff was satisfied with the progress at the mill and that staff was in support of the proposal to move forward and look at alternatives. Mr. Dunbar indicated uncertainty as to how much staff time it would require, and that it would reflect a shifting in workload and priorities. Richard Grundy observed that with sponsorship the Board was not putting up money, but it might be allocating staff time. John Corbett indicated that he did not mind sponsoring, but wanted to make sure that time was spent carefully.

MOTION: John Corbett motioned to adopt sponsorship. Richard Grundy seconded the motion. The motion passed unanimously.

Chairman Massey adjourned the meeting for a 5 minute break, and indicated that when the Board returned from the break, they would move into Closed Session Items 27 through 31. The Board planned to reconvene the public portion of the agenda at 2:00 p.m.

Chairman Massey reconvened the open Board meeting, and introduced Item 10 and Ranjit Gill.

Item 10: Presentation by the Redwood Creek Landowners Association on the Status of Out-Migrant Count in Redwood Creek.

Dr. Gill introduced Bernie Bush who spoke on Redwood Creek, followed by Mike Sparkman who is a fishery biologist of the Department of Fish and Game. Mr. Sparkman described the methods used for out-migrant counts, and presented the preliminary information from the first two years of work.

Item 15: Discussion on Forest Practice Rules Related to Watercourse and Lake Protection Zones.

Nathan Quarles addressed the Board on the Forest Practice Rules Relating to Watercourse and Lake Protection Zones. The goal of the presentation was to present an introduction to the Forest Practice Rules as they relate to stream buffers. He described the definitions of watercourses. Chairman Massey asked for clarification about a 20-year flood plain and Mr. Quarles responded.

Marl Rentz, representing the California Forestry Association, spoke regarding the use of 1603 permits, and indicated appreciation for staff's presentation.

Cythia Elkins, representing EPIC, indicated the forest practice rules were responsible for the decline of salmon.

Tracy Dealy, representing the Humboldt Watershed Council, indicated that monitoring was needed before, during, and after harvesting.

Richard Gienger, representing the Humboldt Watershed Council and Steelhead Recovery, spoke about Section 923.4 Subsections m and n of the Forest Practices Act.

Nathan Lomba, Consulting Civil Engineer, indicated that the Forest Practice Rules did not treat people the same as with construction storm water permits. He expressed concern for the deterioration of the stream water quality, and requested reduction in clear-cutting.

Rudolf W. Becking, representing himself, spoke regarding the THP rules. He wants winter logging stopped.

Item 13: Report on the Remand of the Humboldt Watershed Council Petition, Elk River and Freshwater Bear, Jordan and Stitz Creeks.

Ms. Warner presented a summary of the recent action by the State Water Board to remand consideration of the Humboldt Watershed Council Petition back to the Regional Water Board to address the issues contained within the petition. She informed the Board of the obligation to periodically report back to the State

Water Board on progress, with the first reporting due before April 23.

She briefly summarized the elements numbered 1 through 9 included in Table 1 of the supplementary staff report.

Jim Branham, representing Pacific Lumber Company, spoke on the efforts underway to work with staff in monitoring, and presented a handout to the Board.

John Woolley, Humboldt County Supervisor, submitted a letter for the record.

Ken Miller, representing Salmon Forever, indicated that Waste Discharge Requirements were needed in Freshwater Creek.

Jennifer Kalt, representing the California Indian Basket Weavers Association, spoke regarding forest herbicide use.

Doug Smith, spoke regarding decreasing stream vegetation. He showed a map of the Freshwater watershed. He continued to talk about the THPs located on the map, and expressed concern for increased sedimentation.

Bill Bertain spoke regarding the need for pre-harvest monitoring, to schedule a hearing, and to issue a Cease and Desist Order.

Alan Cook, a Freshwater Creek resident, spoke to request scheduling of hearings.

Nona Kraus, spoke regarding the flooding in Elk River.

Paul Mason, representing EPIC spoke regarding sediment discharges.

Druid Ozone, spoke regarding the conversion of forests to deserts.
Katherine Bret, spoke for Harriet Hill.

Joyce King, spoke to indicate that fish and wildlife need a drastic reduction in rate of harvest from 500 clear-cut equivalent acres/year.

Mark Rentz, representing the California Forestry Association, wanted to know what would ever be good enough, and cited page 15 of the 2000 staff report.
Denver Nelson indicated dissatisfaction with the lengthy TMDL process.

Bert Silva expressed concern regarding job losses and recommended replacing staff.

Eric Johansen expressed concern regarding job losses.

Jose Moreno, a Pacific-Lumber Company employee, indicated the company was doing a sound job.

Rodney Sanderson, a Pacific-Lumber Company employee, urged to Board to use sound science.

Stacey Ssuto, a Pacific-Lumber Company employee, asked the Board to let the HCP work.

Sandra von Ard, a Pacific-Lumber Company employee asked the Board to work within the HCP.

Adrian Miller, a Pacific-Lumber Company employee, indicated that Waste Discharge Requirements would be a duplicative permit process.

Robert Darby, a Pacific-Lumber Company employee, urged to Board to use the HCP.

Daniel Dill, a Pacific-Lumber Company employee, spoke on behalf of the company.

Darryle Story, spoke about the fishery near the Langlois stretch of stream.

Jan Kraepelien, indicated he was a 30 year resident of Freshwater, and has been before the Board 8 times and Sacramento 8 times and several times with the Board of Forestry. He was part of a group to get independent analysis done. That led to the UC Report, the Dunn Report.

Tim Meyers, a Pacific-Lumber Company employee, indicated he believes the HCP is working.

Attile Gywnis, indicated he was a Freshwater Creek resident and urged the Board to act.

Tracy Thiele, suggested the Board go onsite, look at the harvested areas, and fly over the area.

Richard Gienger, requested the Board issue Cleanup and Abatement Orders and Cease and Desist Orders.

Shelly Shelburn, talked about Maxxam and Pacific Lumber, and mentioned NTMPs.

Ralph Kraus referred to the harvesting as liquidation logging.

Steve Horner, a Pacific-Lumber Company employee, indicated that Pacific Lumber Company was offsetting historical sediment discharges.

Kristi Wrigley expressed concern with the number of plans being approved by CDF in the watershed.

Tim McKay requested preharvest monitoring orders.

Robert DiPerna of EPIC urged the Board to act to control the sediment discharges.

Jesse Noell requested the Board adopt Waste Discharge Requirements and a Cease and Desist Order.

Andy Colonna informed the Board about obvious increased sediment discharges, based on Pacific Lumber Company data. He also rebutted the issue if job losses. When timber production went up in the mid 1980s the jobs in the industry declined due to automation, exports, cutting big logs before their time and before they had enough growth.

Naomi Steinberg of Friends of the Van Duzen urged the Board to act.

Joel Rankin, a registered professional forester who indicated that although he used to disagree with staff, this time staff was right.

Cynthia Elkins spoke to indicate that the TMDL work was diverting staff from other activities.

Gary Sargent urged the Board to implement staff's recommendations.

Chairman Massey closed the public discussion and asked the Board for discussion. Beverly Wasson indicated that Waste Discharge Requirements should be considered and that all tools should be applied to recover the watershed to 1980 levels. John Corbett indicated that discharge was a privilege not a right, and supported trend and targeted monitoring. Mr. Corbett indicated he wished to avoid duplicative efforts, and that Waste Discharge Requirements shouldn't be issued to all silvicultural operations, but should be used narrowly and judiciously. He supported development of a TMDL.

Mr. Grundy indicated that he wished to assure that decisions are consistent with the science. The delay associated with the development of the TMDL concerned him. He would like to get the parties together to agree on common goals, and supported monitoring and TMDLs.

Dina Moore indicated the need to develop the TMDLs with the stakeholders. She indicated that monitoring was needed and expressed the need to find common ground, perhaps in working with mediation.

Chairman Massey indicated that we all had a responsibility for the outcome, and

suggested arbitration could be a useful tool.

Chairman Massey called for representatives from Pacific Lumber Company (Jim Branham) and the petitioners (Jan Kraepelien, Jesse Noell) to comment on the mediation. Branham indicated that they would always like to talk, and the Humboldt Watershed Council representatives asked whether the company would defer harvesting while mediation was underway. Chairman Massey indicates that both sides need to start discussion.

Richard Grundy indicated that the problem needs to be resolved. He suggested that a proposal be put together. Referring to Table 1, Mr. Grundy indicated his support for Nos. 1 and 2, and some form of No. 6.

Dina Moore asked for a little more patience, and questioned whether No. 5 or 6 could be mediated. Some discussion between the Board Members followed with John Corbett and Richard Grundy describing a potential process.

Ms. Warner asked for some clarity on the proposal.

John Corbett would like staff to return with criteria for use in deciding whether to impose Waste Discharge Requirements. Sheryl Freeman requested clarification. Richard Grundy suggested the criteria be used for priority setting. John Corbett indicated that watersheds needed to be picked to see which ones were priority. Chairman Massey seeks to re-state the intent.

Ms. Warner indicated that she felt she needed the available tools outlined in Nos. 1 through 4 to address all types of monitoring and need for technical reports.

MOTION: John Corbett made a motion to concur with Nos. 1 through 4, with mediation to also be pursued. The motion was seconded by Dina Moore. The vote was unanimous.

MOTION: John Corbett made a motion to authorize staff to proceed to return with criteria under item No. 5. Richard Grundy seconded the motion. Ms. Warner clarified the intent was to return to the Board at a hearing to consider when actions under item No. 5 might proceed, and that the Elk River watershed could be separated out from the other watersheds as consideration of Waste Discharge Requirements would need to be specific to the facts in each instance. Chairman Massey re-stated the motion, which passed unanimously.

Ms. Warner asked about a subcommittee for the mediation, and Chairman Massey, Dina Moore and Richard Grundy volunteered.

The remainder of the February agenda was carried over until March.

There being no further business to come before this meeting body, the meeting adjourned at 8:30 p.m., until the next scheduled Board meeting on March 27 and 28, 2002.

The acting Secretary, Terry Barnes recorded the minutes of the February 27 and 28, 2002, workshop and Board meeting of the North Coast Water Quality Control Board, to be approved by the Board at its next meeting.

_____ Chair

_____ Date