

State of California  
Regional Water Quality Control Board  
North Coast Region

**Minutes of Meeting**

1:00 P.M., Wednesday, May 7, 2014

9:00 A.M., Thursday, May 8, 2014

River Lodge Conference Center

1800 Riverwalk Drive

Fortuna, CA 95540

Audio recordings of Board meetings are available at: [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast); go to the Board Info tab and click on Meetings.

**Wednesday, May 7, 2014**

i. **Pledge of Allegiance**

Board Member William Massey led the Pledge of Allegiance.

ii. **Roll Call and Introductions**

Board Members present: John Corbett, David Noren, Geoffrey Hales, William Massey, and Gregory Giusti

Regional Water Board staff present: Matt St. John, David Leland, Samantha Olson, Nathan Jacobsen, Patti Corsie, Elena Franceschi, Fred Blatt, Alydda Mangelsdorf, Diana Henriouille, Rebecca Fitzgerald, Jim Burke, Joelle Geppert, Adona White, Holly Lundborg, Clayton Creager, Maggie Robinson, Colleen Hunt, Nick Ryu, and Adam Zwick

1. **Upper Elk River TMDL and Waste Discharge Requirements Update.** Alydda Mangelsdorf, Senior Environmental Scientist, Planning Unit introduced the speaker panel and gave an overview of the workshop goals and described the policy controls of instream sediment remediation and sediment source control with potential rate of harvest limitations and protection of sensitive areas. Jim Burke, Senior Engineering Geologist, Southern Timber Unit, gave an overview of the existing discharge control program for timberlands in the Upper Elk River. Joelle Geppert, Water Resources Control Engineer, Southern Timber Unit, gave an update on the Cleanup and Abatement Orders and the status of the Elk River treatment sites. Adona White, Water Resources Control Engineer, Planning Unit, reviewed the peer review comments received on the draft Elk River TMDL. Holly Lundborg, Engineering Geologist, Planning Unit, gave an update on the draft Upper Elk River Waste Discharge Requirement permit. Clayton Creager, Staff Environmental Scientist gave an overview of the Watershed Stewardship approach and the benefits of adopting this approach in the Elk River Watershed. Samantha Olson, Senior Staff Counsel, gave an overview of the legal authority of the Regional Water Board.

Representatives from the primary timberland owners in the Elk River Watershed also were given an opportunity to present to the Board. Lee MacDonald PhD, Watershed Science Program, Colorado State University working for Green Diamond and Humboldt Redwood Company, gave a presentation on the science of erosion, turbidity, sediment yields and storage in the Elk River watershed. Mike Miles, Humboldt Redwood Company, gave a presentation on Humboldt Redwood Company's stream, sediment and roads management in the Elk River Watershed. Mike Jani, President and Chief Forester, Humboldt Redwood Company, offered his support for the Watershed Stewardship approach and to voluntarily commit funds to help facilitate this approach. Gary Rynearson, Forest Policy and Communications Manager, Green Diamond Resource Company, introduced Matt House, Aquatic Biologist, Green Diamond Resource Company, who gave a presentation on Green Diamond's water quality management strategies for Elk River Watershed. Gary Rynearson finished the presentation with a slide presentation on the harvest comparisons of Caspar Creek from 1989-1991 and McCloud Creek from 2014, showing Green Diamond's current harvest practices versus past harvest practices. Ben Blom, Manager of Headwater Forest Reserve, Bureau of Land Management, gave a presentation on the ongoing restoration of the Headwaters Forest Reserve by sediment reduction, decommissioning roads, tree thinning, weed removal and environmental education.

Comments were taken from:

- Brett Tellez, Elk River Residents Association
- Ralph Kraus, Elk River Residents Association
- Nancy Sievers, Elk River Residents Association
- Christina Pasteris, Elk River Residents Association
- Philip Nicklas, Elk River Residents Association
- Ben LeVering, Elk River Residents Association
- Claire Josefine, Elk River Residents Association
- Jesse Noell, Elk River Residents Association
- Kristi Wrigley, Elk River Residents Association
- Jerry Martien, Friends of Elk River
- Scott Sherman, Friends of Elk River
- Katherine Ziemer, Redwood Agricultural Foundation
- Craig Benson, Redwood Community Action Agency
- Richard Genger, Humboldt Restoration Council
- Felice Pace, North Group Redwood Chapter, Sierra Club
- Robert Figueiredo, Public
- Sylvia DeRooy, Public
- Darren Mierau, CalTrout, North Coast Regional Manager

Meeting adjourned at 6:15 p.m.

**Thursday, May 8, 2014****i. Pledge of Allegiance**

Board Member Gregory Giusti led the Pledge of Allegiance.

**ii. Roll Call and Introductions**

Board Members present: John Corbett, David Noren, Geoffrey Hales, William Massey, and Gregory Giusti

Regional Water Board staff present: Matt St. John, David Leland, Samantha Olson, Nathan Jacobsen, Patti Corsie, Elena Franceschi, Fred Blatt, Alydda Mangelsdorf, Diana Henriouille, Rebecca Fitzgerald, Jim Burke, Lisa Bernard, Colleen Hunt, Mona Dougherty, Katharine Carter

**iii. Board Member Ex Parte Communication Disclosure:**

- William Massey met with Federal and State officials regarding West Sonoma County sewer issues.
- John Corbett had a discussion with Gary Rynearson, Green Diamond Resource Company regarding the cleanup of Elk River and Freshwater watersheds.
- Gregory Giusti met with residents of the impacted reach of Elk River creek and toured three private properties. He had discussions with Humboldt Redwood Company and Green Diamond Resource Company regarding the Elk River TMDL and toured their properties in the Elk River watershed.
- Geoffrey Hales met with Humboldt Redwood Company and Green Diamond Resource Company regarding the process and procedure of completing the Elk River TMDL.

**iv. State Board Liaison's, Board Chair's, Board Members', and Executive Officer's Reports:**

The State Board Liaison, Steven Moore updated the Board on:

- The Governor's Office has proposed an increase to the Regional Board members compensation.
- On April 1, 2014 the State Water Board adopted the updated Statewide Industrial Stormwater NPDES Permit.
- The State Water Board is currently working on the following high priority Statewide policies and permits:
  - Drafted a General Waste Discharge Requirement permit for the use of recycled water, including for agricultural irrigation, as the drought emergency calls for farmers to have ready access to recycled water for irrigation;
  - Working on a Groundwater Sustainability Program to empower local and regional entities with the tools and authority they need to manage groundwater;

- This month, Cris Carrigan, Chief of the State Water Board of Enforcement, gave a half hour talk to the State Water Board on enforcing environmental laws for marijuana cultivation, along with California Department of Fish and Wildlife staff who spoke about the challenges and systemic issues of marijuana cultivation impacts. The State Water Board fully supports our Region's approach in developing a regulatory and enforcement program for discharges from marijuana cultivation operations.
- The State Water Board has been actively working on the Wetlands Policy that is up for adoption in September 2014.
- The State Water Board encourages the Regional Water Boards to develop in-stream flow objectives during their Triennial Review process to help determine waters that are impaired by low flows and that may need to be added to the 303(d) listing.
- AB1331 (Rendon) Clean, Safe, and Reliable Drinking Water Act of 2014 is up for vote in the State Assembly and may be on the November 4, 2014 ballot.
- The 2014/2015 Water Board budget will increase staff by 347 positions:
  - 290 positions for the Drinking Water Program;
  - 10 positions in Groundwater Management;
  - 11 positions to coordinate with the Department of Fish and Wildlife to prevent illegal stream diversions, discharges of pollutants into waterways, and other water quality impacts associated with marijuana cultivation;
  - 14 positions for the Hydraulic Fracturing (fracking) issues;
  - 12 positions to the Surface Water Ambient Monitoring Program (SWAMP) for data quality management services that are no longer contracted to outside vendors;
  - 10 positions in the 401 Certifications and Wetland Program to address compliance monitoring and recordkeeping issues that were addressed in the recent State audit.

The Executive Officer, Matt St. John updated the Board on:

- Working with George Gentry, Executive Director of the Board of Forestry to plan content for a joint workshop between the Regional Board and the Board of Forestry in the late summer or fall.
- Drought related activities in the North Coast region:
  - Division of Water Rights has notified some of the water right holders in the Scott River Valley, Russian River above Healdsburg and the Middle Fork of the Eel River, alerting them of the strong likelihood of having their water rights curtailed this coming season.
  - The North Coast staff is working closely with the Montague Water Conservation District and the Division of Water Rights to look at some emergency actions to get water supply to the town of Montague, Shasta River Valley. The proposal is to send more water from Lake Shastina down the Shasta River to support fisheries and for the Montague water supply.

- The Executive Officer signed a letter authorizing the City of Healdsburg to use recycled water in a truck hauling program for vineyard irrigation, along with a user agreement to allow use of recycled water while making sure that the water is applied at agronomic rates and best management practices (BMPs) are applied to prevent runoff and impacts to groundwater;
- The Executive Officer also issued an Order authorizing the use of recycled water in the use of dust control and other construction related activities;
- Jim Burke, Senior Engineering Geologist, Southern Timber Unit, is working with CalFire, timber industry representatives and the Division of Water Rights to look at alternatives to using surface water diversions for dust control on timber roads.
- Activities related to marijuana cultivation in the region:
  - Dianna Henriouille, Senior Water Resource Control Engineer, Enforcement Unit and Samantha Olson, Senior Staff Counsel are working to develop a Waste Discharge Requirement (WDR) permit addressing the discharges from marijuana cultivation operations. It will be a tiered program to set established conditions largely for erosion control and the management of fertilizers and pesticides. Due to the scale of this activity, the WDR will likely have a “self-implementing” tier for the operators who want to comply with the environmental laws. The WDR likely will identify the thresholds of the BMPs necessary to protect water quality and enable strict and deliberate enforcement actions against operators working outside those thresholds. Cleanup and Abatement Account funds were secured from the State Board for monitoring and an educational outreach program associated with water conservation and pollution prevention associated with marijuana cultivation. A contract will be executed with Mendocino County Resource Conservation District to develop a BMP guide related to marijuana operations, and staff are actively working to get a contract with the Eel River Recovery Project for monitoring, outreach and education.

v. **Public Forum:**

Comments were taken from:

- Felice Pace, Klamath Forest Alliance
- Tom Grover, Eel River Recovery Project
- Sal Steinberg, Eel River Recovery Project
- Vivian Helliwell, Eel River Recovery Project
- Charles Ciancio, Registered Professional Forester

1. **Approval of Meeting Minutes: March 13, 2014**

Motion: William Massey moved to adopt the March 13, 2014 Minutes, Geoffrey Hales seconded the motion, motion passed unanimously.

2. **Resolution for Irene Tynes.** Matt St. John, Executive Officer, spoke on Irene Tynes behalf and thanked the Board for this recognition. Chairman Corbett read the Resolution expressing appreciation to Irene Tynes for her two years of dedication and service on the North Coast Regional Water Quality Control Board.

### Uncontested Item

3. **Public Hearing on Order No. R1-2014-0014 to consider adoption of proposed Waste Discharge Requirements for Ocean Farms, Inc., Bodega Farms, WDID No. 1B820220SON, NPDES No. CA00244481.** This item was pulled from the uncontested calendar due to questions from Board Member Giusti. David Leland, Assistant Executive Officer, and Mona Dougherty, Senior Water Resource Control Engineer, Core Regulatory Unit answered Board Member Giusti's questions. Mr. Roy Gordon, Ocean Farms, Inc., Bodega Farms stated that market conditions have changed after six years and their abalone spawning operations will resume next month.

Motion: William Massey moved to adopt the Order and David Noren seconded the motion, motion passed unanimously.

### Action Items

4. **Public Hearing on Order No. R1-2014-0011 to consider adoption of proposed Categorical Waiver of Waste Discharge Requirements for discharges related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region.** James Burke, Senior Engineering Geologist, Southern Timber Unit, gave a presentation on the proposed Order, outreach efforts, the proposed revisions to the Waiver, and the public comments and responses.

Comments were taken from:

- Ali Freedlund, Mattole Restoration Council
- Charles Ciancio, Registered Professional Forester
- Drew Coe, California Department of Forestry and Fire Protection
- Mitch Hunt, California Licensed Foresters Association
- Jason Poburko, Registered Professional Forester
- Felice Pace, North Group Redwood Chapter Sierra Club
- Claire McAdams, The Buckeye Conservancy

Motion: William Massey moved to adopt the Order with revisions proposed by staff and David Noren seconded the motion, motion passed unanimously.

5. **Public Hearing on Order No. R1-2014-0013 to consider adoption of proposed Waste Discharge Requirements for Loleta Community Services District, Wastewater Treatment Facility, WDID No. 1B80081OHUM, NPDES NO. CA0023671.** Lisa Bernard, Sanitary Engineering Associate, Core Regulatory Unit, gave an overview of the typical secondary wastewater treatment steps, the notable changes for the proposed Order and the wastewater treatment facilities operational challenges and compliance concerns. Markus Drumm, General Manager, Loleta Community Services District gave an overview of Loleta's budget for the wastewater treatment plant, future upgrades and compliance concerns and challenges.

Motion: William Massey moved to adopt the Order and Geoffrey Hales seconded the motion, motion passed unanimously.

### Workshops

6. **Workshop on the 2012 Integrated Report for the Clean Water Act Section 305(b) Surface Water Quality Assessment and the 303(d) List of Impaired Waters.** Rebecca Fitzgerald, Senior Environmental Scientist, TMDL unit, introduced Katharine Carter who gave an overview of the 2012 Integrated Report, 305(b) and 303(d) updates timelines, 2012 assessment process, staff's water body-specific recommendations and highlights of the comments received. Rebecca Fitzgerald presented the list of the streams in the region that have been requested for impaired flow listing due to flow alterations or low flow conditions and the response to comments on flow.

Comments were taken from:

- Crystal Robinson, Karuk Tribe
- Jennifer Kalt, Humboldt Baykeeper
- Felice Pace, Klamath Forest Alliance
- Scott Greacen, Executive Director, Friends of the Eel River
- Rickey Russell, California Coastkeeper Alliance
- Susan Corum, Karuk Tribe

7. **Workshop to Scope the 2014 Triennial Review of the Water Quality Control Plan for the North Coast Region.** Alydda Mangelsdorf, Senior Environmental Scientist, Planning Unit, gave an overview of the Basin Plan and Triennial Review processes, a summary of the 2011 Triennial Review and the 2014 Triennial Review process and the recommendations to date.

Comments were taken from:

- Doug Culbert, City of Fortuna
- Mike Losey, Mayor Pro Tem, City of Fortuna
- Tim Eriksen, Director of Public Works, City of Ukiah

- Cynthia Elkins, Center for Biological Diversity
- Susan Corum, Karuk Tribe
- Jennifer Kalt, Humboldt Baykeeper
- Scott Greacen, Friends of the Eel River

### **Information Items**

8. **Executive Officer's Report.** See item iv.
9. **Board Member Requests for Future Agenda Items.**
  - Board Member Noren requested that the draft Elk River TMDL and WDR be heard again as an informational item at the June 19, 2014 Board meeting for guidance on how Staff and the Board will proceed with this issue.
  - Chairman Corbett requested that the Executive Officer's evaluation be completed during closed session at the June 19, 2014 Board meeting.
  - Chairman Corbett requested that we invite Chuck Bonham, Director of Fish and Wildlife to speak to the Board.
  - Chairman Corbett requested that we have an informational item with invited speakers on global warming and the effects it has on water quality.
10. **Other Items of Interest.** No items to discuss.
11. **Closed Session.** There were no reports from closed session.
12. **Arrangements for Next Meeting and Adjournment**  
8:30 a.m., Thursday, June 19, 2014  
David C. Joseph Meeting Room  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA  
  
Meeting adjourned at 5:18 p.m.

Chairperson\_\_\_\_\_

Date\_\_\_\_\_