

California Regional Water Quality Control Board  
North Coast Region

MINUTES OF MEETING  
August 25, 2004  
Crescent City Cultural Center  
1001 Front Street  
City of Crescent City, CA 95403

Chairman William Massey opened the Regional Water Board meeting at 8:46 a.m. at the Crescent City Cultural Center, Crescent City, California.

**i. Pledge of Allegiance**

The Pledge of Allegiance was led by Board Member Gerald Cochran.

**ii. Roll Call and Introductions**

Board Members present: Gerald Cochran, Dina J. Moore, Bev Wasson, William Massey, John Corbett, and Richard Grundy.

Regional Water Board staff present: Catherine Kuhlman, Luis Rivera, Sheryl Schaffner, Tom Dunbar, Robert Klamt, Christine Wright-Shacklett, Holly Lundborg, Terri Korell, Julie Sayre, Rebecca Fitzgerald, Caryn Woodhouse, and Jean Lockett.

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

Mr. Cochran announced that he and Mr. Wetherell had a conversation regarding the Del Norte County Wastewater Treatment Facility, an item that is on this meeting's Consent Calendar.

Mr. Corbett announced that he spoke with a Crescent City council member at an Air Variance Board hearing that they both attended. Mr. Corbett explained that they discussed the cooperation between the Del Norte community, the Rancheria, and the County and City.

Chairman Massey reported that he and Ms. Wasson attended a Buckeye Conservancy tour in Humboldt County on August 24, 2004.

State Water Board Liaison Gary Carlton stated that he met with Art Baggett, Bev Wasson, William Massey, Catherine Kuhlman, Luis Rivera, and the Indian Tribal governments for a discussion pertaining to their common interests in the Klamath River, the TMDL development, and ferry licensing on the upper Klamath.

Mr. Carlton indicated that he had no definitive information regarding the appointment of new Board members for any of the Regional Water Boards. The Governor's Office and his appointment secretary are focusing on the appointments for the Department of Pesticides Regulations and the Department of Toxic Control Substances. He anticipated that subsequent to those appointments being made, the Regional Water Board appointments should then be announced.

Mr. Carlton reported that the guidelines for both the federal section 319h and the state Propositions 40 and 50 grant programs are scheduled to be adopted at the next State Water Board meeting.

**Item 1. Minutes were presented for approval**

There were no minutes presented for approval

**Item 2. Resolution for Assistant Executive Officer Frank Reichmuth, Retired**

**MOTION:** Mr. Cochran moved to approve Resolution No. R1-2004-0069. Ms. Wasson and Ms. Moore seconded the motion. Motion passed unanimously.

**Item 10. Update on Del Norte County Issues Concerning Future Development with On-site Wastewater Systems**

Regional Water Board Engineer Tom Dunbar presented this item and discussed issues arising from urban-type development in rural areas with on-site wastewater treatment systems in Del Norte County. He stated that there is some difference of opinion between the Regional Water Board staff and Del Norte County regarding development interests in the county and the interpretation of the on-site wastewater system policy in the Basin Plan with respect to on-site waste treatment and disposal practices. (Specifically, findings II, 6 and 8; V. Maintenance Responsibilities; pages 4-18 section H-I, Alternative Systems findings 1, 2 and 3. Mound Systems; pages 4-19, findings K, Septage Disposal; section Maintenance V; X Implementation number 8:b.)

Mr. Corbett requested clarification of the primary concern. Mr. Dunbar indicated that the County is questioning the necessity for a public entity to take responsibility for inspecting and ensuring proper maintenance of the county's wastewater treatment systems.

The Board discussed the issues and concerns with Mr. Dunbar. Chairman Massey commented that it is far better to try to prevent a septic problem rather than trying to find a solution for a septic disaster after the fact.

Ms. Moore indicated that the Regional Water Board wants wastewater treatment systems that will last the lifetime of the property. She encouraged both the Regional Water Board staff and Del Norte County staff to work together in an effort to find a solution to this matter.

Mr. Grundy concurred with Chairman Massey's statement and indicated that the issue of inspecting wastewater treatment systems needs to be addressed. He further noted that if homeowners' associations do not inspect these systems, then there needs to be a backup inspection policy.

Mr. Cochran indicated that he had discussions with Mr. Dunbar and Ms. Kuhlman in an effort to develop a solution to this problem.

Del Norte County Board Supervisor Jack Reese read a prepared statement that gave a history of the 1998 Ordinance that was developed by Del Norte County with the help of the Regional Water Board staff. He stated that the Board of Supervisors of Del Norte County is concerned that the Regional Water Board staff may be working outside of the policies of the Water Board's Basin Plan, which would negatively impact the county's ability to review or permit economic development consistent with its regulations. Mr. Reese requested that the Regional Water Board continue to process applications in conformance with the Basin Plan unless there is a formal change in the Basin Plan.

Mr. Cochran introduced the members of the Del Norte Board of Supervisors who were in attendance at the Regional Water Board meeting.

Del Norte County Board Supervisor Ernest Perry displayed maps that depicted the 78 percent public ownership and the designated area for residential development in Del Norte County. Mr. Perry noted that in the process of revising the county's general plan, the county examined soil suitability and determined land use designations based upon the soil suitability for on-site systems. He further noted that development standards have been set for those areas.

Del Norte County Board Supervisor Chuck Blackburn expressed his hope that the issue between the Del Norte community and the Regional Water Board staff be resolved because of the growth in the community,

Del Norte County Board Supervisor Martha McClure (District 2) stated that a number of housing units were requested for the community. Ms. McClure indicated that Del Norte views the position set out by the Regional Water Board's staff as a policy decision that is not consistent with the Basin Plan. She suggested that if Del Norte County will be required to adopt a public entity, then the Regional Water Board staff should consider providing a timeline.

Tribal Chairman of Elk Valley Rancheria Dale Miller stated that the Rancheria has plans for a destination resort at an estimated cost of \$100,000,000. It is anticipated that the resort will employ approximately 500 employees. Mr. Miller further stated that the Elk Valley Rancheria Tribe supports the Del Norte County Supervisors.

Craig Brandford, Executive Director of the Del Norte Economic Development Cooperation, stated that the projected population growth for 2005 in Del Norte County is 2.1-percent in one year. He named several projects that will increase the number of employees in the County and draw people from outside of the County in need of residences. Mr. Bradford requested that the Board not over impose regulations on Del Norte County. He urged the Board to move quickly and provide an answer to this issue.

Richard Smith indicated that the issue that needs to be addressed is how the Basin Plan should be administered. Mr. Smith indicated that the Board staff has added a requirement to the project that states a wastewater treatment system must be operated, maintained and inspected annually by a public system that is empowered to carry out such functions as a condition of the project. He stated that there is no provision in the Basin Plan for this requirement. Mr. Smith concluded that it is critical that the Board determine if there has been a change in policy. If the Board determines that there has been a change in policy, then it would be necessary for an administrative process to begin in order to develop guidelines and an implementation process for the new policy.

Friends of Del Norte Conservation Group Eileen Cooper requested that the Regional Water Board withdraw the waste discharge waivers or permits for the undeveloped McNamara subdivision parcels and for the parcels at 16-feet MSL. The parcels below the subdivided parcels are currently under construction. She further indicated that groundwater affects the lagoon because of its close proximity to the facility.

Mr. Corbett requested clarification from staff on the different private and public legal mechanisms available. Mr. Cochran also noted that he and Mr. Dunbar, as well as Board attorney Sheryl Schaffner, plan to discuss this matter further in an effort to develop possible policy solutions.

Chairman Massey requested that the Del Norte item be placed on the October 2004 agenda for further discussion.

Robin Thomas submitted a statement written by Walter Mores, a resident of Del Norte County and who was unable to attend the meeting.

Ted Souza suggested that the Smith River is Del Norte's most scenic river. He expressed concerns about river's change in color and stated that it has turned green. He further noted that it is no longer possible to see more than three-feet deep into the river.

Chairman of the Del Norte Housing Development Cooperation Rene Quintana stated that most of the population in the Smith River area has an income below the poverty level and that there is a need for affordable housing in that area. Ms. Quintana further indicated that the Del Norte Housing Cooperation would welcome the opportunity to work with the Regional Water Board staff in an effort to develop a solution to this issue.

Executive Director of the Del Norte Housing Cooperation Claudia Frances, who resides in Del Norte County, stated that the project in Smith River would also include a health clinic and a community center. Ms. Frances stated that all parties would benefit if they could all work together to resolve this issue within the Basin Plan regulations.

Del Norte County Board Supervisor Dave Finingan requested that the Regional Water Board staff meet with Del Norte County staff so that all facts and information can be shared. Mr. Finnegan asked the Regional Water Board for direction regarding the current Basin Plan's policy.

Mr. Grundy stated that his view is that a septic system should not be used in a high-density area.

The Regional Water Board observed a 10-minute break at 10:40 a.m.

### **Item 3. Public Forum**

Development Director of Open Door Health Centers Marylee Bytheriver advocated for the Del Norte Housing Development farm work development in the Smith River. She stated that the farm workers in the Smith River need the health clinic that is being built by the Housing Development Agency.

Manager of the Willow Creek Community Service District Steve Pane stated that the district is in search of funding for its local sewer system. Willow Creek is interested in applying for a small community grant. Mr. Pane read a letter that was written by Bryan Cox, the Director of Environmental Health in Humboldt County. The letter stated Willow Creek Community has been declared a health risk due to a potential pollution problem and therefore should qualify for a small community grant. He requested to be placed on the Regional Water Board's A or B list to receive a grant for his community.

Regional Water Board Senior Engineer Mr. Dunbar responded and stated that there are certain qualifications for a community to be placed on the A or B list and unfortunately Willow Creek does not meet these qualifications. Mr. Dunbar indicated that an enforcement order would place Willow Creek on a higher list.

Richard Miles, a resident of Crescent City, suggested that monitoring of the leakage from the McNamara and Peep areas is needed. He voiced his concerns that the leakage may be getting into the clam beds.

Peter Ribar, representing Campbell Timberland, updated the Regional Water Board regarding the company's implementation of its timber harvesting waste discharge requirements.

Phillip Nicklas, a resident in the Elk River and Wrigley Road area, stated that the water is no longer drinkable due to the logging upstream. Nicklas referenced the Regional Water Board's order issued to Pacific Lumber Company (PL) directing PL to provide water to residents in the Elk River area. He stated that his family no longer receives water because PL decided that the order did not apply to his land. Mr. Nicklas requested that the Regional Water Board order PL to deliver water to his home.

Larry Ward, a resident in the Elk River area, stated that in the last six to eight years the river has drastically changed. He noted that when the Clean-up and Abatement Order was given to PL, his name was on the list to receive delivered water, but within one year, PL stopped delivering water because he did not live on the North Fork. The erosion that PL has caused has affected his drinking water. He requested drinking water delivered to his house and that a well be installed on his property.

Jesse Noell, a resident in the South Elk River area, stated that it has been a number of years since the Regional Water Board addressed these drinking water issues and noted that there still has been no resolution. He further stated that concerns and problems are getting worse and that it is time for the Regional Water Board to take action on these issues.

Mr. Grundy requested that the Regional Water Board staff review the Cleanup and Abatement Order that was issued to PL and provide the names of those residents who were supposed to have water delivered to their homes. He requested that a report be submitted to the Board at the next Regional Water Board meeting.

Kristy Wrigley addressed the Regional Water Board and stated that the Cleanup and Abatement Order that the Regional Water Board issued to PL was clearly intended for the North Fork Elk River area.

Bernie Bush, representing Green Diamond Timber Company, stated that Green Diamond has seven THPs in process and one Erosion Control Plan. The process is tracking well and there has been good communication with the Regional Water Board staff. Mr. Bush expressed concerns regarding the upcoming phases of the process, i.e., requirements for numerous inspections, exiting the process in order to avoid annual fees, etc. He stated that he is hopeful to present some proposed regulatory amendments to the Regional Water Board in the future in an effort to assist in making this process easier.

Ted Ward, who works as a planner for the Del Norte Solid Waste Management Authority, updated the Regional Water Board on the steps taken to comply with Order 97-90 that was issued by the Regional Water Board. He explained that the transfer station is under construction and that financing has been secured. In addition, an operation contractor has been hired and a disposal contract has been secured. The Crescent City landfill is in final phase of its construction.

James Abel, a registered forester in Humboldt County, stated that there are approximately six THPs that his company is working on at the present time and that his company has also started work on a couple of non-industrial timber management plans. He stated that he believes that it will be costly to implement the adopted waiver. Mr. Abel indicated that his company believes that it will have a strong effect on the non-industrial landowners in terms of maintaining their ownership.

Steve Horner, representing Pacific Lumber Company, indicated that PL has THPs that are subject to the General Waste Discharge Requirements (WDR) and that PL has submitted its Erosion Control Plan and is looking forward to receiving the approved WDRs. He stated that there is a lot happening in the Elk watershed and PL has been working with the Regional Water Board staff regarding various issues.

Richard Gienger encouraged the Regional Water Board staff to implement the Coho Recovery Plan. He indicated that the Coho strategy recommendation for harvesting is to have the agencies and the stakeholders meet and develop a credible monitoring plan after the timber operations have been completed. The goal is to ensure that the beneficial uses of the water for Coho Salmon is protected before California Department of Forestry (CDF) makes its final inspection and completion report.

Felice Pace, representing the Klamath Forest Alliance, stated that in the 1980's the Regional Water Board became involved in the Baxter Superfund site in Weed. At that time, the Regional Water Board documented that there was sediment and a dioxin substance was detected in Beaighton Creek. Years later, Beaighton Creek tested negative for dioxin. He suggested that the Regional Water Board direct staff to test for dioxin in Lake Shastina, a tributary to Beaighton Creek. Mr. Pace described Lake Shastina as a place where wind surfers and fishermen frequent because of the high wind. He further explained that Lake Shastina is a very shallow lake and the sediment gets stirred up regularly.

Cathleen Stanton suggested that for the past 3-½ years residents have been working with the Regional Water Board staff on the former Roger's Garage Company, a junkyard in the middle of a residential area. Stanton requested that the Regional Water Board direct staff to consult with environmental specialists to determine the health risks for children who attend school on a contaminated site. She also questioned whether a school should be built on the Roger's Garage site. She further stated that the developer proposes to have underground parking on the same site where the school will be built. Stanton also asked the Regional Water Board to direct staff to ask the property owner to perform a deed search, because the property where the garage is located may have consisted of a larger area than the property boundaries that exist at the site at the present time.

Angela Kokan, a resident of Bayside, expressed concern that the Regional Water Board staff has not received the same information for the Danco Mall in Bayside that the developers have received. She suggested that the risk assessment that was submitted to the Regional Water Board did not describe the excavations proposed for a four-story building.

Bill Bertain stated that dredging needed to be done in the South Fork Eel River area.

### **Item 3. Delegation of Authority to the Assistant Executive Officer**

**MOTION:** Mr. Cochran moved to adopt Resolution No. R1-2004-0069 Designation of Assistant to Executive Officer. Ms. Wasson and Mr. Corbett seconded the motion. Motion passed unanimously.

### **Consent Calendar**

Order No. R1-2004-0052, **Golden Technology**, Sonoma County Waste Discharge Requirements for the Former Golden Technology Site in Santa Rosa for Enhanced In-Situ Bioremediation of Volatile Organic Compounds in Groundwater

Order No. R1-2004-0056, **McKoen and Associates, LLC**, Hatfield Ingredient-Flake Potato Processing Plant, Siskiyou County, Recision of Waste Discharge Requirements Order No. R1-2000-91

Order No. R1-2004-0054, **Wetherell Properties, Inc.**, Gasquet Mobile Home Park, Del Norte County, Recision of Waste Discharge Requirements Order No. 80-170

Order No. R1-2004-0059, **Ecodyne Corporation**, Sonoma County, Issuance of New Waste Discharge Requirements for In-Situ Treatment of Heavily Impacted Soil with Calcium Polysulfide for the Removal of Hexavalent Chromium

Order No. R1-2004-0060, **Anderson Valley Unified School District Bus Barn**, Mendocino County, Issuance of New Waste Discharge Requirements for Discharge of Highly Treated Groundwater to Land

Order No. R1-2004-0055, **Mendocino City Community Services District**, Wastewater Treatment Facility, Mendocino County, NPDES Permit Renewal, NPDES No. CA0022870, WDID No. 1B83129OMEN

**MOTION:** Mr. Cochran moved to adopt the Consent Calendar. Ms. Wasson seconded the motion. Motion passed unanimously.

The Board observed a lunch break at 12:15 p.m., and went into closed session. The meeting was called back to order at 1:15 p.m., with no report from closed session.

#### **Item 12. Update on Issues and activities in the Klamath River Basin**

Regional Water Board Senior Engineer Bob Klamt presented a brief update and discussed staff's involvement in various matters:

- The California/Oregon Governors' Klamath Work Group (a broad bi-state and federal interagency work group for addressing Klamath River watershed issues);
- The Klamath Fish Health Assessment Team (KFHAT – an interagency and tribal fish health monitoring and response group);
- The relicensing process for the PacifiCorp Klamath Hydropower Project and timing of the Klamath River TMDL;
- General condition of, and spring/summer observations of, the salmon and steelhead runs in the Klamath by KFHAT; and,
- Regional Board interactions with the Native American Tribes regarding Klamath water quality and fisheries issues.

Richard Miles stated that he is hopeful that the Regional Water Board will work with the Sea Grant Advisors in Crescent City and Humboldt areas. He indicated that a true science study is needed to determine what the effect would be on the water quality in the Klamath River Basin if the dams were eliminated. Without the current release of water in the dry season, he suggested that there would be more fish kills. He also indicated that the dams act as flood control.

#### **Item 10. Update on City of Crescent City Wastewater Treatment Facility**

Regional Water Board Senior Engineer Tom Dunbar gave an update to the Board on progress of City of Crescent City and County of Del Norte towards updating of pretreatment ordinance and enforcement provisions.

Public Works Director for the Crescent City Wastewater Treatment Facility Jim Barnes stated that the city has developed a Pre-treatment Ordinance that should be in effect by the end of December 2004. The new ordinance will address the BOD and the undersized out-fall problems.

#### **Item 13. Update on Stewardship Non-industrial Timber Management Plan Work Efforts**

Christine Wright-Shacklett presented this matter. Ms. Wright-Shacklett explained that previous CDF Director Andrea Tuttle formed the Stewardship Non-industrial Timber Management Plan (SNTMP) subcommittee in year 2000. The committee was comprised of representatives from NOAA fisheries, the CDF, the State Water Board, the Regional Water Board, the California Geological Survey, the federal Environmental Protection Agency, the U.S. Fish & Wildlife Service, foresters, and landowners. The committee was given the task of exploring alternatives to address multiple agencies' separate regulations for small non-industrial forest landowners who are practicing good land stewardship. As a product of the process to date, the committee drafted the SNTMP program for forest ecosystem protection and management that is intended to promote the economic viability of small non-industrial forest landowners. Ms. Wright-Shacklett also explained that the recently adopted categorical waiver by the Regional Water Board fits well with the SNTMP program. The Board of Forestry committee discussions to translate the SNTMP program into forest practice rule language will be in 2005.

Richard Gienger, a member of the Buckeye Conservancy, stated that NTMPs are important because they will incorporate a credible monitoring and adaptive management plan component to ensure recovery for Coho salmon, listed under the Endangered Species Act.

#### **Item 14. Buckeye Conservancy Workshop**

Executive Director of the Buckeye Conservancy Johanna Rodini, described the Buckeye Conservancy as an association of family farm owners and resource managers representing 300,000 acres of land in Humboldt County. Ms. Rodini said that the Buckeye Forest Project studies the effects of the current regulatory climate on non-industrial forest landowners.

Nancy Wrightheart, an independent facilitator, stated that in the past year the Buckeye Conservancy has held a series of workshops on non-industrial management plans, and watercourse protection.

Jim Abel, with the Buckeye Conservancy, described the process that the group took to develop a common language for the governmental agencies, landowners, and foresters.

Richard Gienger urged the Board members to read the report that the Buckeye staff mailed to each of them. He discussed the environmental perspective of the Buckeye Conservancy Project. He referred to the Buckeye Conservancy's brochure that made recommendations to the Regional Water Board on pages 12 and 13. He further explained that if the recommendations were implemented, the size of the NTMPs would be increased and the time limits would be extended, with certain constraints. He added that monitoring is a public concern that needs to be met. He announced that in September 2004, CDF would be conducting a series of NTMP workshops in Willits, Eureka, and Redding.

Sally Finch, with the Buckeye Conservancy, stated that the price for doing business in the State of California is a hardship and is devastating for landowners. The Buckeye report shows that harvesting timber as a resource for landowners in the north has become a very difficult option for supplementing income. Private landowners can no longer harvest their resource in the best and most environmentally sound way because of the extreme expense of obtaining a THP, causing the landowner to cut more trees than they want or need. She stated that they are specifically concerned about the water quality waivers that will put an additional financial burden on the landowners. Ms. Finch urged the Board to try and keep the expenses under control and to find a way to reward the good stewards so they would not be categorized with the timber companies.

Mike Atkins, project manager for the Buckeye Conservancy Program, stated that he was concerned that people did not want to invest in timberland in the State of California because of the cost to harvest their trees.

#### **Item 15. Five County Salmon Recovery Program**

Mark Lancaster, Program Manager for the Five County Salmon Restoration Program (Humboldt, Siskiyou, Del Norte, Mendocino, and Trinity Counties), gave the presentation. The five counties formed as a result of an adopted Memorandum of Understanding to address salmon habitat and to minimize the listing of endangered species and to protect water quality.

Mr. Lancaster displayed photos of various projects of stream restorations. He stated that they are getting tremendous results. There has been 100-percent repopulation in the streams where barriers have been removed. Mr. Lancaster concluded his presentation by saying that 70-percent of the program's funds go towards implementation.

At 3:30 p.m., Mr. Cochran announced that he had a prior commitment and would need to leave the meeting. He thanked the Regional Water Board members and staff for coming to Del Norte County.

#### **Item 16. Elk River Flood Analysis**

Staff Adona White and Rose Patenaude presented this matter and described a recent staff analysis, Preliminary Flood Analysis of Lower Elk River. The analysis found that based upon recent PL and Salmon Forever data, the bank full channel capacity of the main stem Elk River has been reduced by 60-percent since the U.S. Geologic Survey measured stream flow in the 1950s and 1960s. The reduced channel capacity contributes to increased flood frequency and magnitude.

Kristy Wrigley addressed the Board and thanked everyone for coming to Crescent City. She stated that CDF, the lead agency in the timber harvest plan process, inadequately addresses water quality and the subsequent amount of runoff that comes off the land above her farm. She requested that a better method be implemented regarding the discharges that occur above her land.

Phillip Nicholas, a resident of Humboldt County since 1948, asked the Board to require the discharger to start dredging if it plans to continue timber harvesting.

Bill Bertain, attorney-representing residents of Elk River, stated that serious actions needed to be taken. He asked the Board to direct the discharger to stop cutting or start dredging. He also stated that he believed that PL should pay for the cost to repair the damage to the watersheds.

Jesse Noell described his experience of the storm events of recent years as a resident in the Elk River watershed. He stated that the Board should protect the public.

Steve Horner, with Pacific Lumber Company, expressed PL's gratitude for the report that White and Patenaude presented to the Regional Water Board. He also noted that PL was impressed with the report. Mr. Horner suggested that PL has committed to the Regional Water Board Executive Officer that it wanted to see the feasibility study go forward and that PL is willing to participate wherever it is feasible.

Mr. Grundy stated that the report submitted by Ms. White and Ms. Patenaude is a good report. He said that the report clearly helps define the problems and gives a clear justification of the events leading up to the current situation. He voiced his concern that the process for flushing out the present sediment has not started and that the process seems to be turning into a science project rather than an abatement project. Mr. Grundy advocated for remediation in the watersheds.

Ms. Kuhlman responded to Mr. Grundy's concerns by stating that the Regional Water Board does have a Cleanup and Abatement Order to identify the erosion sites in the watersheds that was issued to PL. Ms. Kuhlman indicated that the waste discharge requirements are scheduled to be on the Regional Water Board's November agenda.

Ms. Wasson expressed her disbelief that there has been no action taken in the watersheds. Ms. Wasson stated that two years of no action is much too long. She expressed concern for the residents' devastation.

Mr. Corbett made an observation that there seems to be a crossroads of which remedy to use to address the issues. He expressed the difficulty that the Board has in establishing a reasonable burden of proof and the subsequent course of action. He further noted that by the Regional Water Board not choosing a course of action, there is no guidance. Mr. Corbett suggested that the Board might just need to go forward and make a decision. He stated that there might be

some consequences to the decisions that are made, but that the Regional Water Board must accept that responsibility.

Ms. Kuhlman stated that she believes that the Board has addressed this issue, at least as far as the direction that has been given to staff is concerned, i.e., the issuance of a WDR and the direction to actively engage in discussions with PL. Even though there are limited resources, the goal now is to keep further damage from occurring within the watersheds, reduce the amount of landslides, and through a permit to actively prevent additional aggradations to the streams. Ms. Kuhlman asked the Board if they had any changes or additional directions for staff.

Mr. Grundy thanked Ms. Kuhlman for her work and directed her to do what was necessary to get the job done.

#### **Item 17. Status Report: Sediment Amendment Update**

Staff Caryn Woodhouse presented this matter to the Regional Water Board.

Mr. Corbett referenced page four of the action plan. He expressed concerns that the prohibition and action plan requested a third item, i.e., a proactive approach from governmental agencies, private enterprises and the communities. Mr. Corbett requested some provision for restoration efforts.

Peter Ribar indicated that he agreed with the Regional Water Board's comments regarding the restoration efforts. Mr. Ribar stated that he was concerned that changes to the prohibitions at this time may serve to undermine the cooperation that has been fostered to date under the current implementation of the general WDRs that were recently established by the Regional Water Board.

#### **Item 18. Status Report on TMDL Implementation for the Albion, Big, Noyo and Ten Mile Rivers**

Rebecca Fitzgerald presented to the Board a new approach for addressing sediment TMDLs in the form of a Resolution instead of a Basin Plan amendment. This new approach would rely upon the use of existing authorities, the Regional Sediment Amendment, and a guidance document on sediment control practices.

Ms. Moore complimented Fitzgerald on a comprehensive report. Ms. Moore expressed to the Regional Water Board that she is very much in favor of the resolution process approach. She thanked staff for their hard work. Ms. Wasson concurred with Ms. Moore's comments.

Mr. Corbett stated that he generally like the idea because it has flexibility on the implementation that is needed.

Mr. Grundy expressed his appreciation to staff for the report and thanked Ms. Fitzgerald for all of her hard work. He stated that he fully supports using the resolution process to apply the Basin Plan and the Sediment Amendment because that process works.

Staff Counsel Sheryl Schaffner stated that the State Water Board has its draft guidance included in TMDL Implementation Plans. The draft guidance does not expressly contemplate the resolution path, but it appears to be within the scope of the intent of how the State Water Board would like to proceed regarding sediment TMDLs.

#### **Item 19. Executive Officer Administrative Civil Liabilities**

There were no reports made.

**Item 20. Violation Report**

The written report was submitted without discussion.

**Item 21. Board Member Requests for Future Agenda Items**

There were no request made.

**Item 22. Monthly Report to the Board**

The written report was submitted without discussion

There being no further business to come before the meeting body, the meeting adjourned at 5:17 p.m. The next Regional Water Board meeting is scheduled for October 6, 2004.

Executive Secretary, Jean Lockett recorded the minutes of the August 25, 2004, North Coast Water Quality Control Board meeting at the Crescent City Cultural Center, Crescent City, California.

Chairman \_\_\_\_\_

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