

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING MINUTES  
FEBRUARY 1, 2011**

Copies of the resolutions and water quality/water rights orders can be obtained by calling (916) 341-5600 or downloading from our website at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/](http://www.waterboards.ca.gov/board_decisions/adopted_orders/).

**CALL TO ORDER**

Chairman Hoppin called the meeting to order on February 1, 2011 at 9:10 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT**

Chairman Charlie Hoppin, Vice Chair Frances Spivy-Weber; Member Tam M. Doduc; Member Dwight P. Russell

**STAFF PRESENT**

Tom Howard, Executive Director	Jeanine Townsend, Clerk to the Board
Jonathan Bishop, Chief Deputy Director	Phil Crader, Division of Water Rights
Caren Trgovcich, Chief Deputy Director	Ernie Mona, Division of Water Rights
Michael Lauffer, Chief Counsel	Barbara Evoy, Division of Water Rights
Dana Heinrich, Office of Chief Counsel	Les Grober, Division of Water Rights
Anne Hartridge, Office of Chief Counsel	Matt McCarthy, Division of Water Rights
Andy Sawyer, Office of Chief Counsel	Jim Kassel, Division of Water Rights
Darrin Polhemus, Division of Administrative Services	Larry Lindsay, Division of Water Rights
Gita Kapahi, Office of Public Participation	Jim Maughan, Division of Financial Assistance
Dave Clegren, Office of Public Affairs	Erin Ragazzi, Division of Financial Assistance
George Kostyrko, Office of Public Affairs	

**ANNOUNCEMENT**

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

**BOARD MEETING**

*Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chairman*

**PUBLIC FORUM**

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Board's jurisdiction provided the matter is not on the agenda, or pending before the State Water Resources Control Board or any California Regional Water Quality Control Board.

**No Action Taken**

**BOARD BUSINESS**

1. The Board will consider adoption of the December 14-15, 2010 & January 18-19, 2011 Board Meeting minutes.

**Motion:** Vice Chair Spivy-Weber moved to adopt the minutes from the December 14-15, 2010 Board Meeting.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([December 14-15, 2010](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Russell

**Nay:** None

**Abstain:** None

**Absent:** None

**Minutes from the January 18-19, 2011 Board Meeting – Deferred to future Board Meeting**

2. Board Member Report.

None

**UNCONTESTED ITEMS\* (Item 3 & 4)**

\*3. Consideration of a proposed Resolution authorizing the Executive Director or designee to increase, negotiate, execute, and renew, as necessary, the [Foundation for California Community Colleges Student Assistant Contract](#).

**Motion:** Member Doduc moved to adopt the proposed Resolution with the understanding that this is authorizing the Executive Director to enter into negotiations and not actually expend the \$11 million dollars until it is discussed and to see the outcome of the budget negotiations and fee discussions and the opportunity to prioritize the allocations of resources.

**Seconded by:** Chairman Hoppin

**MOTION CARRIED:** ([Resolution 2011-0004](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Russell

**Nay:** None

**Abstain:** None

**Absent:** None

\*4. Consideration of a proposed Resolution authorizing the Executive Director to enter into a contract to [hire environmental consultants to complete work required by the California Environmental Quality Act \(CEQA\) for water rights actions](#).

- [Change Sheet #1](#)

**Motion:** Member Doduc moved to adopt the proposed Resolution with staff changes proposed in Change Sheet #1 and proposed by Chairman Hoppin and Member Doduc.

**Seconded by:** Member Russell

**MOTION CARRIED:** ([Resolution 2011-0005](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Russell

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

*David Zweig, Analytical Environmental Services*

*Jon Rubin, Diepenbrock\*Harrison*

*Peter Kiel, Ellison, Schneider & Harris*

## DIVISION OF FINANCIAL ASSISTANCE

5. Consideration of a proposed Resolution adopting a Clean Water State Revolving Fund (CWSRF) Program Preliminary Funding Commitment for the [Susanville Sanitary District, Filtration and Ultraviolet Disinfection Project](#), CWSRF Project No. C-06-5727-110.

- [Comment Letters](#)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

**Seconded by:** Member Russell

**MOTION CARRIED:** ([Resolution 2011-0006](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Russell

**Nay:** None

**Abstain:** None

**Absent:** None

### Commenters

*Harold Singer, Lahontan Regional Water Board*

## DIVISION OF WATER RIGHTS

6. Consideration of a proposed Cease and Desist Order issued to [Woods Irrigation Company](#) for threatened unauthorized diversion or use of water from the Middle River in San Joaquin County. (*Written comments were due on January 11, 2011 by 12 noon.*)

- [Revised Draft Order \(Version dated January 26, 2011\)](#)

**Motion:** Member Doduc moved to adopt the proposed Order with changes proposed by Staff.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Water Rights Order 2011-0005](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc

**Nay:** None

**Abstain:** None

**Absent:** Member Russell

### Commenters

*Dan Kelly, Northern California Water Association*

*Dean Ruiz, SDWA & CDWA*

*DeeAnne Gillick, San Joaquin County*

*Jennifer Spaletta, Herum/Crabtree*

*John Herrick, Woods Irrigation Company*

*John O'Hagan, State Water Resources Control Board*

*Jon Rubin, San Luis & Delta Mendota Water Authority*

*Valerie Kincaid, Modesto Irrigation District*

- ~~7. Consideration of a proposed Order denying Petitions for [Reconsideration of State Water Board Order WR 2010-0002](#) regarding water rights owned by the Department of Water Resources and U.S. Bureau of Reclamation for diversion from the Sacramento and San Joaquin Rivers and their Tributaries, and the Sacramento San Joaquin Delta Estuary, San Joaquin County (*Written comments were due on January 17, 2011 by 12 noon.*) (~~Diana Riddle/Dana Heinrich~~)~~

**PULLED**

## ADJOURNED

The Board Meeting adjourned at 12:15 p.m.

**CLOSED SESSION**  
**Closed Sessions are not open to the Public**

**DIVISION OF WATER RIGHTS**

(These are authorized under Government Code section 11126, subdivision (c)(3).)

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Woods Irrigation Company. A draft cease and desist order, issued to Woods Irrigation Company on December 28, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Yong Pak and Sun Young. A proposed cease and desist order, issued to Yong Pak and Sun Young on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Mark and Valla Dunkel. A proposed cease and desist order, issued to Mark and Valla Dunkel on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Rudy Mussi, Toni Mussi and Lori C. Mussi Investment LP (Mussi et al.). A proposed cease and desist order, issued to Mussi et al. on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a proposed order taking action on petitions for reconsideration of Board Order WR 2010-0002. Order WR 2010-0002 was issued on January 5, 2010 and modified a cease and desist order issued in 2006 that involved salinity objectives in the Sacramento-San Joaquin Delta Estuary.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to water right applications owned by the Woodland-Davis Clean Water Agency. These applications are the subject of an evidentiary hearing before hearing officers of the Board.

**The Board met in Closed Session on only the Woods Irrigation Company item.**

**IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on January 25, 2011, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on January 25, 2011, and will not be accepted after that time.

Submittals are to be sent via e-mail to the Clerk to the Board at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, "**2/1/2011 BOARD MEETING (fill in bolded subject from appropriate item)**." If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

Agenda and items will be available electronically at: [http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](http://www.waterboards.ca.gov/board_info/calendar/index.shtml)

\* Items on the uncontested items calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <http://www.calepa.ca.gov/Broadcast/>.

For a map to our building, visit: <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. Individuals who require special accommodations are requested to contact the Office of Employee Assistance, at (916) 341-5881.