

Minutes of Meeting

9:00 A.M., Thursday, April 6, 2023
Weed City Council Chambers
550 Main Street
Weed, CA 96094

Thursday, April 6, 2023

Video recordings of Board meetings (since 2/2019) are available at:
[Prior Board Meeting Video recordings](https://cal-span.org/) (https://cal-span.org/)

Audio recordings of Board meetings (11/2018 and before) are available at:
[Prior Board Meeting Audio recordings](https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/)
(https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/)

i. Land Acknowledgement: Chair Bedolla read the land acknowledgement.

We acknowledge that we are on the unceded territory and ancestral homeland of the Shastan people who have been stewards of this land since time immemorial. We also acknowledge that throughout the North Coast Region there are 59 unique California Native American Tribes with regional and ancestral connection. We recognize that Indigenous peoples' profound and unique relationship with water is vital to their cultural, spiritual, and medicinal practices and food sovereignty. We also recognize the painful history of genocide, colonization, broken promises, and stolen land and water resources upon which the State of California was founded. We respect Tribal sovereignty and honor Tribal stewardship and the continued use of ancestral lands by Tribal people today. We commit to addressing systemic inequities that persist and to prioritizing Indigenous voices and traditional ecological knowledge in North Coast watersheds. This acknowledgement does not replace our continued commitment to advancing mutual and lasting relationships with Indigenous communities and tribes throughout the North Coast Region.

ii. Pledge of Allegiance: Chair Bedolla led the Pledge of Allegiance.

iii. Roll Call and Introductions:

Board Members present: Hector Bedolla, Gregory Giusti, Alexandra Hart, Shaunna McCovey (via Zoom), Bill Matsubu (via Zoom)

Regional Water Board staff present: Valerie Quinto, Nathan Jacobsen, Josh Curtis, Deidre Wilkerson, Charles Reed, Alydda

Mangelsdorf, Justin McSmith, Elias Scott (via Zoom), Claudia Villacorta (via Zoom)

- iv. **Board Member Reports and Ex Parte Communication Disclosure:** Vice Chair Giusti shared that he has had ongoing discussions with Supervisor McGourty from Mendocino County regarding storm-related issues.

Chair Bedolla attended a virtual Water Boards Chairs Meeting and encouraged regional Board Members to attend a future, in-person meeting.

- v. **State Water Board Liaison's and Executive Officer's Reports:** Executive Officer Valerie Quinto shared that a lien was filed on the property related to the Szagora, LLC Administrative Civil Liability. More information can be found in the Enforcement Report Section of the written Executive Officer's Report. Ms. Quinto also gave a brief update on the region's Racial Equity Action Plan, which is still in the planning phase. Updates will be available on the Racial Equity webpage, which can be found under the Programs tab on the North Coast Region's website. Members of the public can subscribe to email updates on that page as well, and staff can be contacted at RB1-equity@waterboards.ca.gov.

State Board Liaison Dorene D'Adamo gave a comprehensive report that started with a note about the high levels of precipitation this year along with the related storm-related disasters. Ms. D'Adamo continued with updates on recent executive orders related to high precipitation and drought issues, an outdoor water use regulation that is expected to be adopted later this year, and updates on the Russian, Scott, and Shasta Rivers with respect to the drought proclamation. Additional updates from the State Board included: the March 8th adoption of draft guidelines for an expedited funding process for high priority drinking water projects, the March 21st hearing of draft 303(d) list of impaired water bodies, the April 18th public hearing on staff's proposed amendments to the enforcement policy, and the April 18th workshop on proposed onsite wastewater treatment systems policy.

Vice Chair Giusti commented on the 303(d) listing process, adding that he would like to see local staff involved in this process, at least on a consulting basis. State Board Liaison Dorene D'Adamo noted challenges with the timeframe and litigation risks in her response but hopes to see more opportunities for regional boards to be involved in the future.

- vi. **Regional Board Chair's Report:** Chair Bedolla shared observations from his trip to Weed, including the snow and rainfall amounts in Siskiyou County, fire scars and slippage in Lake County, and the challenges these events present.

Chair Bedolla introduced new Board Member Alexandra Hart. Board Member Hart gave a brief introduction which included where she is from and her professional background.

- vii. **Public Forum:** Comments were received from the following members of the public:
- Michael Stapleton, Public/Self
 - Regina Chichizola, Save California Salmon

Vice Chair Giusti asked Charles Reed of the Water Boards staff to speak and answer some clarifying questions regarding Mr. Stapleton's comments on the Kidder Creek development.

Specific comments can be reviewed on [Cal-Span's Prior Board Meeting Video recordings](http://cal-span.org/) (<http://cal-span.org/>).

1. Approval of Meeting Minutes: February 2, 2023

Motion: Board Member Matsubu moved to approve February 2, 2023, Board meeting minutes; Vice Chair Giusti seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart abstain

Motion passed unanimously

Action Items

2. Resolution No. R1-2023-0027 Delegation of Powers and Duties to the Executive Officer (*Nathan Jacobsen*)

Nathan Jacobsen, Counsel to the Board, gave a presentation that included why the resolution is necessary, what duties the board delegates, and some background information.

Motion: Board Member McCovey moved to approve Resolution No. R1-2023-0027 Delegation of Powers and Duties to the Executive Officer; Board Member Hart seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart aye

Motion passed unanimously

3. Public Hearing on Order No. R1-2023-0014 to Consider for Adoption of Proposed Waste Discharge Requirements for the Fall Creek Hatchery, WDID No. 1A22157NSIS (*Justin McSmith*)

Justin McSmith, Water Resource Control Engineer for the NPDES Wastewater and Storm Water Unit, presented on this NPDES permit, which authorizes CA Department of

Fish and Wildlife to operate the upgraded fish hatchery on Fall Creek, a tributary of the Klamath River. Mr. McSmith provided a brief summary of the Klamath River Renewal Project and dam removal, the status of the Klamath River, current plans to modernize Fall Creek Hatchery, permit requirements in the proposed permit, significant comments received during the public comment period, and changes made to the permit in response to those comments.

Comments were received from the following members of the public:

- Glen Spain, Institute for Fisheries Resources (IFR), Pacific Coast Federation of Fishermen's Associations (PCFFA)

Specific comments can be reviewed on [Cal-Span's Prior Board Meeting Video recordings](http://cal-span.org/) (<http://cal-span.org/>).

Vice Chair Giusti asked Mr. McSmith some clarifying questions, which he answered.

Motion: Vice Chair Giusti moved to approve Order No. R1-2023-0014 to Consider for Adoption of Proposed Waste Discharge Requirements for the Fall Creek Hatchery, WDID No. 1A22157NSIS; Board Member Matsubu seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart aye

Motion passed unanimously

4. Public Hearing to Consider Adoption of Order No. R1-2023-0005 Short-Term Renewal of Order No. R1-2018-0018 Scott River TMDL Conditional Waiver of Waste Discharge Requirements and Order No. R1-2018-0019 Shasta River TMDL Conditional Waiver of Waste Discharge Requirements (*Elias Scott*)

Board Member Hart recused herself from the Board's consideration of these permits until there is time to identify any potential conflicts of interest.

Elias Scott, Senior Environmental Scientist in the Planning and Stewardship Division, presented an overview of the proposed order and rationale for readoption of 2018 orders, public review process, summary of select public comment and responses, water quality status and trends, changes to the public review draft order, and staff recommendation.

Vice Chair Giusti made a clarifying comment regarding a note in Mr. Scott's presentation referencing the expiration dates of the permits.

Comments were received from the following members of the public:

- Amber Jamieson, Environmental Information Protection Center

- Regina Chichizola, Save California Salmon
- Kirk Blaine, Native Fish Society
- Andrew Marx, Native Fish Society
- Nathaniel Kane, Environmental Law Foundation
- Glen Spain, IFR and PCFFA
- Kasil Willie, Save California Salmon
- Gareth Plank, Public/Self
- Ryan Walker, Siskiyou County Farm Bureau
- Nick Joslin, Mount Shasta Bioregional Ecology Center
- David Webb, Friends of the Shasta River
- Sari Sommarstrom, retired watershed consultant/self
- Marla Bennett, Quartz Valley Indian Reservation
- Jim Harris, Public/Self
- Vivian Helliwell, IFR and PCFFA
- Konrad Fisher, Water Climate Trust
- Ethan Brown, Shasta Valley Resource Conservation District

Specific comments can be reviewed on [Cal-Span's Prior Board Meeting Video recordings](http://cal-span.org/) (<http://cal-span.org/>).

Board Members made several comments. Key points included:

- Thanking Mr. Scott for his presentation and work.
- Thanking all the public commentors.
- Emphasizing the need for forums/advisory groups and workshops. Requesting that workshops be held in the local areas that the orders are referencing. And requesting that staff consider organizing two working groups: one for each watershed.
- Honoring the good work of participants and increasing participation.
- Requesting annual updates from staff.
- Acknowledging existing data gaps and suggestions for improvements.
- Highlighting the importance of timelines and transparency.

Water Boards staff conferred to discuss responses to comments. Key points included:

- Clarifying that the existing waivers have enforceable requirements to protect water quality.
- Summarizing the work done since the 2018 waivers were adopted and acknowledging that this information could have been better represented in the presentation.
- Acknowledging existing data gaps and future plans for gathering data.
- Confirming the intention to bring together stakeholders to discuss potential provisions in the upcoming permits.
- Emphasizing the importance of continuing to implement the existing waivers, increase participation over the next 2.5 years, and consider options for honoring compliancy in the development of the next permit.

Motion: Vice Chair Giusti moved to approve Order No. R1-2023-0005 Short-Term Renewal of Order No. R1-2018-0018 Scott River TMDL Conditional Waiver of Waste

Discharge Requirements and Order No. R1-2018-0019 Shasta River TMDL Conditional Waiver of Waste Discharge Requirements; Board Member Matsubu seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart abstain

Motion passed unanimously

Information Items

5. **Executive Officer's Report:** Executive Officer Valerie Quinto highlighted articles in the written Executive Officer's Report.
6. **Closed Session:** The Board met in closed session to discuss the following items:
 - a. 7. d. Item number 4: People of the State of California, Ex. Rel. Department of Fish and Wildlife, State Water Resources Control Board, and Regional Water Quality Control Board, North Coast Region v. Shadowlight Ranch LLC; Joshua Sweet; Bohdan Curran, Individually and DBA Curran Equipment and Does 1 Through 30 inclusive, Humboldt County Superior Court Case No. CV 2001113 (October 30, 2020.)
 - b. 7. d. Item number 6: Friends of Gualala River v. Regional Water Quality Control Board, North Coast Region and State Water Resources Control Board, Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Case No. CV00834, Mendocino County Superior Court, (July 14, 2021).
7. **Board Member Requests for Future Agenda Items and Other Items of Interest:**
No requests were made.
8. **Arrangements for Next Meeting and Adjournment**
9:00 a.m., Thursday, June 15 and
9:00 a.m., Friday, June 16, 2023
Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Meeting adjourned at 3:00 p.m.