



Alan C. Lloyd, Ph.D.
Agency Secretary

California Regional Water Quality Control Board North Coast Region

Beverly Wasson, Chairperson

<http://www.waterboards.ca.gov/northcoast>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203 Office (707) 576-2220 FAX (707) 523-0135



Arnold
Schwarzenegger
Governor

NOTICE OF RESCHEDULED PRE-HEARING CONFERENCE

PROPOSED WATERSHED WIDE WASTE DISCHARGE REQUIREMENTS FOR TIMBER HARVEST PLAN ACTIVITIES CONDUCTED BY SCOTIA PACIFIC COMPANY, SALMON CREEK CORPORATION, AND THE PACIFIC LUMBER COMPANY IN THE ELK RIVER AND FRESHWATER CREEK WATERSHEDS (RESOLUTION NO. R1-2005-0064, ORDER NO. R1-2005-0065; RESOLUTION NO. R1-2005-0066, ORDER NO. R1-2005-0067)

Monday, August 29, 2005 – 1:00 p.m.

at

**North Coast Regional Water Quality Control Board
Hearing Room
5550 Skylane Boulevard, Ste. A
Santa Rosa, California**

This Notice replaces the Notice of Pre-Hearing Conference dated August 8, 2005. The main purpose of this Notice is to reschedule the Pre-Hearing Conference from August 26, 2005, at 11:00 a.m. to August 29, 2005, at 1:00 p.m. This Notice also makes other minor changes, in particular adding notification that the Pre-Hearing Conference will be recorded on audio tape.

BACKGROUND

The staff of the North Coast Regional Water Quality Control Board (Regional Water Board) has issued tentative Watershed-Wide Waste Discharge Requirements (WWDRs) to regulate timber operations in the Elk River and Freshwater Creek watersheds. Notices of Public Hearing for the WWDRs were previously issued on June 27, 2005. As provided in those notices, public hearings on the WWDRs are scheduled for September 14 and 27, 2005.

Because of the controversy associated with the WWDRs, the Regional Water Board has determined that it is appropriate to separate the Board advisory and permit preparation functions. As explained in the enclosed memorandum, the Issuance Team will prepare the WWDRs and present them to the Regional Water Board for consideration. The Advisory Team will provide technical and legal advice to the Board to assist it in managing the hearings and evaluating the WWDRs. The composition of the two teams is presented in the enclosed memorandum.¹

¹ Subsequent to the memorandum, the Executive Officer has assigned additional staff to the two teams. Assigned to the WWDR Advisory Team are David Hope, Senior Environmental Specialist, Registered Professional Forester; and Jean Lockett, Executive Secretary. Assigned to the WWDR Issuance Team are Fred Blatt, Timber Harvest

California Environmental Protection Agency



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PREHEARING CONFERENCE

The Regional Water Board will hold a pre-hearing conference on Monday, August 29, 2005, at 1:00p.m. in the Hearing Room at the Regional Water Board offices. Catherine Kuhlman, Executive Officer, and Erik Spiess, Staff Counsel, will conduct the pre-hearing conference on behalf of the Board. Representatives of all parties are requested to attend or participate by phone as provided below. The goal of the pre-hearing conference is to ensure that the hearings proceed in an orderly and expeditious manner. The discussion will center on the enclosed draft hearing procedure. Ms. Kuhlman will solicit comments in particular on: (1) designation of additional parties; (2) appropriate time limits for opening presentations, cross-examination, and rebuttal/closing. There will be no discussion of the merits of the WWDRs.

To ensure an accurate record of the conference is made, the conference, including the comments of telephonic participants will be recorded on audio tape.

HEARING PARTICIPATION

Participants at a hearing are either “parties” or “interested persons.” Parties to the hearing may present evidentiary testimony and are subject to cross-examination. Parties may also cross-examine other parties’ witnesses. Interested persons may present non-evidentiary policy statements that will be heard first, prior to the presentation of evidence by the parties. Interested persons are not subject to cross-examination and may not cross-examine other parties.

The following participants are preliminarily designated as parties for these hearings:

1. Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company (collectively PALCO)
2. Humboldt Watershed Council (HWC)
3. North Coast Regional Water Quality Control Board WWDR Issuance Team (Issuance Team)

All other persons who wish to participate in the hearing as parties must request party status in writing. The written request must be submitted to Catherine Kuhlman, Executive Officer, at the above address and must be received no later than **August 22, 2005**. The request must explain the basis for party status, the evidence that will be presented, and the reason why the existing parties do not adequately represent the person’s interests. Rulings on such requests are within the sole discretion of the Regional Board Chair in consultation with the Executive Officer.

HEARING PROCEDURE

This notice contains an enclosure entitled “Draft Hearing Procedure.” All hearing participants are advised to carefully read the enclosure. It contains deadlines for submission of witness lists and exhibits by parties and the order of proceedings. Once finalized after the Pre-Hearing Conference, the Regional Water Board will strictly enforce the Hearing Procedure.

Northern Timber Unit Senior; Joelle Geppert, Special Projects Unit Staff; Stormer Feiler, Southern Timber Unit Staff.



In addition to the procedures described in the enclosure, the Regional Water Board will conduct the hearing in accordance with the regulations governing adjudicative proceedings of the State Water Resources Control Board and Regional Water Quality Control Boards. These regulations are in the California Code of Regulations, title 23, sections 648 et seq. They are available at <http://www.waterrights.ca.gov/WRINFO/> or on request.

IF YOU HAVE ANY QUESTIONS

Questions concerning the pre-hearing conference may be addressed to Erik Spiess, Staff Counsel, at (916) 341-5167 or Catherine Kuhlman, Executive Officer, at (707) 576-2220.

LOCATION AND PARTICIPATION BY TELEPHONE

The enclosed map shows the location of the Regional Water Board offices. The building is accessible to persons with disabilities.

The pre-hearing conference room will be equipped to accommodate those who wish to participate by telephone instead of appear in person. Should you wish to participate by telephone, you must notify Jean Lockett, Executive Secretary, at (707) 576-2307 or jlockett@waterboards.ca.gov, no later than 5 p.m. on **August 22, 2005**. You will receive instructions from Ms. Lockett on how to participate by telephone.

Catherine Kuhlman
Executive Officer

Dated: _____

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Enclosures:

