

**San Joaquin River Dissolved Oxygen TMDL
Steering Committee Meeting – Draft 1 Notes**
July 3, 2002

Attending: Rod Atteberry (Neumiller/Port of Stockton), Ramesh Bayan (TRE), Paul Bowers (USACE), Byron Buck (MWDSC), David Cory (SJRECWA), Vince Dykzeul (Stanislaus Co. Farm Bureau), Chris Foe (RWQCB), Lee Gardiner (Port of Stockton Tenants Assoc.), Mark Gowdy (RWQCB), Travis Hemmen (Port of Stockton), Dan Hinrichs (DJH & City of Modesto), Robert Howard (City of Modesto), Jay Jahangiri (TRE), Bill Johnston (Modesto Irrigation District), G. Fred Lee (GFL and Assoc.), Debra Liebersbach (TID), Lee Mao (Bureau of Reclamation), Paul Martin (Western United Dairymen), Joe McGahan (Grassland Farmers), Bob Murdoch (City of Stockton), Bob Smith (Calamco), Jennifer Spaletta (SEWD), Herb Stone (WID), Alice Tulloch (Tulloch Engineering), Kevin Wolf (facilitator and notes 530-758-4211, kjwolf@dcn.davis.ca.us), William Wong (City of Modesto)

UPCOMING MEETINGS

Special Assurance Options Development Committee Meeting:
July 22 or 24, 2002 9:30 am - 12:30 pm. Location to be announced.

Next Executive Committee Conference Call
July 24, 2002 8:30 am, Call number TBA.

Next Steering Committee Meeting:
August 7, 2002 9 am - 12:30 pm, 2500 Navy Drive, Stockton

Next Technical Advisory Committee
August 13, 2002 9 am - ? Location to be announced.

Handouts:

1. Phased Implementation Planning Timeline – Draft 2. Mark Gowdy
2. Proposed Changes to Decision Making Process, June 24, 2002
3. Summary of Dan Hinrichs and Steve Richie/URS qualifications for Interim Planning Coordinator.

A. Peer Review

1. The final report by the peer reviewers will be out early next week (now on line at http://www.sjrtmdl.org/technical/2001_studies/process/index.html). There have not been any significant changes from the preliminary report.
2. Highlights from the peer reviewers' report include:
 - a. The existing data should continue to be evaluated by the Principal Investigators. There is a wealth of data that has not been adequately evaluated.
 - b. There is concern about differences of opinion on the effects of NH₃ in the DWSC. Additional work and evaluation should be done to advance a consensus understanding of what is occurring. Carl Chen's computer model should help.

c. A pilot aeration should occur before a full project is installed in the DWSC. Aeration could create additional problems which the pilot project should be designed to expose.

d. A pilot aeration program should be linked to a good investigative program focused on key unanswered scientific questions.

3. Stakeholders can send their comments on the Peer Review report to Steve Ritchie <steve_ritchie@urscorp.com>.

4. The PIs will respond to any specific comments by the Peer Reviewers in their final reports. The final reports will go on the web. Fred will respond to general comments by the peer reviewers.

5. New studies will likely result from peer review comments and suggestions. CALFED wants to be involved in the development of follow up studies.

B. Decision Making

1. The Steering Committee clarified who is officially on the Executive Committee and what the Executive Committee does.

a. Anyone can participate in Executive Committee meetings and conference calls. Agendas will be posted beforehand. Sometimes there is a need for the Executive Committee to discuss some issues before they are brought up to the whole group. This may involve personnel or the development of proposals. In this case, the discussion can be limited to the Executive Committee.

b. The Steering Committee clarified that the Executive Committee is made up of the Chair, Vice Chair, TAC Chair, Facilitator, Planning Coordinator, a CALFED representative and a Regional Board representative. Everyone is welcome to participate in the meetings.

c. The Executive Committee can be authorized by the Steering Committee to make decisions between SC meetings. Agendas for the EC meeting should be posted and meetings open to all who want to attend.

2. The Steering Committee used the Proposed Changes to Decision Making Process (www.sjrtdl.org/stakeholders/process/index.htm) as a guide. The notes below will reference this.

a. Change in D1b was approved as proposed.

b. Change in D4 was approved as proposed.

c. Change in D6 was approved with the following additional sentence. "In between Steering Committee meetings, the Executive Committee is authorized to determine whether a decision can be delayed until the next meeting or must be made beforehand."

- d. Change in D8 was approved as proposed.
 - e. Change in E1 was approved as proposed.
 - f. Change in E2 was approved with the word “eligible voter” changed to “eligible member.”
 - g. Change in E3 was approved with the removal of “facilitator” from the phrase “though the chair or facilitator may impose a time limit for each speaker.”
 - h. Change in E5 was approved with the addition of “voting” before member in order to clarify this.
 - i. Change in E6 was approved as proposed with the removal of the statement that the lists would be updated by a “Steering Committee appointed secretary”. The facilitator will ask someone to update the attendance record at each meeting. Also, “Only members on this list are eligible to vote” should be changed to “Only representatives of organizations in good standing are eligible to vote.”
 - j. Changes in D7 were approved as proposed with the inclusion of the following: The new proposal cannot fundamentally alter the original proposal discussed at the Steering Committee meeting.
3. The Steering Committee made the following clarification in Section F. Definitions:
- a. In F2, it should be clarified that “A voting member of the Steering Committee is any representative of an organization ***that has a stake in the outcome of the TMDL process*** and has attended at least four Steering Committee meetings within a 12 month period.
4. The Steering Committee made the following changes in the G. Miscellaneous section.
- a. The proposed additions to “1. Placing items on the agenda” were approved with the following changes:
 - i. Add an additional line to a. that states – A new item can be added to the agenda on the day of the meeting if it is approved by a supermajority of voting members.
 - ii. Clarify c. to state – The Executive Committee meets more than a week before the Steering Committee meeting....
 - b. Section “F2 Setting Special Meetings” was approved with the following change:
 - i. Eliminate the phrase “that affect the stakeholders” at the end of the sentence. Any meeting in which decisions will be made should meet the agenda circulation timeline.
 - c. Section “F3 Meeting Notes” was approved with the following changes:

- i. Change “a” to - All meetings should have meeting notes that include at a minimum: the attendance list, a list of issues discussed, and a record of any decisions that were made. The notes should be circulated to the sjr-tmdl list.
- ii. Change “b” to – The Executive Committee’s notes can consist of a new agenda for the next Steering Committee meeting but any other decisions should be recorded.
- iii. Change “d” to read – Meeting notes are not formally adopted nor approved at future meetings. The comment period on the previous month’s meeting notes will end when the final agenda is sent one week before the next meeting.

C. Phase I Timeline and Key Objectives

1. The Basin Plan Amendment will be made by the Regional Board around June of 2004. At this time, the Phase I timeline will likely be finalized. The one year period between June 2003 and June 2004 will allow for a development of a functionally equivalent CEQA process.
2. Monitoring during Phase I will be for more than just determining the effectiveness of aeration. It will also help determine stakeholder compliance to the interim performance goals.
3. What is the process that will occur between the aeration technology review/pilot aeration project and the roll out of the aeration demonstration project that is expected to meet the interim performance goal? The decision points need to be identified. The interim planning coordinator will work on this.
4. The Steering Committee requested that Mark Gowdy add the 1998-2002 timeline and milestones to the timeline he drafted. This may be especially important to the Regional Board.
5. The interim planning coordinator will help the Steering Committee, CALFED and USACE to agree on the funding of monitoring and aeration, and who covers the operation and maintenance costs for these during Phase I.
6. An assurance package to cover Phase I costs will need to cover expenses through the completion of CEQA on the long term plan and the final Basin Plan Amendment in mid-2008. (The Timeline document does not make this clear.)

D. Interim Planning Coordinator

1. The main task of the Interim Planning Coordinator is to develop a scope of work for an aeration and monitoring proposal and help move it through CALFED processes so that it can become reality in 2003.
2. There were two candidates interested in the Interim Planning Coordinator position. Dan Hinrichs and Steve Ritchie/URS. After discussion of the position and qualifications, the Steering

Committee reached consensus on Steve Ritchie/URS. Fred Lee will subcontract with URS for the work and will finalize the detailed scope of work with them.

2. The interim Planning Coordinator can take on additional tasks within their scope of work. The Steering Committee would like their help in developing the “trial balloon” options for different ways an assurance agreement can be divided up among stakeholders.

E. Long Term Planning Coordinator

1. Barbara Marcotte stated her preference that CALFED pursue the RFQ program contractor process in order to choose and hire the long term Planning Coordinator in a 1-3 year contract. This would save her a lot of time and would likely result in a person being hired at the same time as if she hustled to hire a coordinator through an RFP process. The long term coordinator should be brought on board by October or November. The Steering Committee supported Barbara in this choice.
2. The scope of work for the long term Planning Coordinator needs to be developed. The Phase I timeline will help with identifying major milestones. Details should be developed by the Steering Committee.

F. Center for Dispute Resolution

1. Lowell Ploss reviewed the results of the meeting he, Bill Johnston, Mark Gowdy and Kevin Wolf had with Susan Sherry, the Executive Director of the California Center for Public Dispute Resolution. The meeting notes along with a background document from the Center are on the web at <http://www.sjrtmdl.org/stakeholders/process/index.htm>.
2. A key part of a consensus-based negotiation is the development of “trial balloons” for different ways our assurance package can be crafted. To advance this process, an ad hoc committee will meet in the later part of July (see top of page). The meeting will be open to all. The committee is given wide latitude to explore different options and ways to spread out costs of an assurance package. They are asked to report back to the Steering Committee at its August 7 meeting.
3. The ad hoc committee should also evaluate the risks different stakeholders face if a Phase I implementation plan and assurance package is not done by the stakeholders but by the Regional Board. The Regional Board has a variety of tools that they can use to solve the DO problem, some of them are still unclear as to their effectiveness and impacts. The Steering Committee would like this to become a Risk Evaluation “white paper” that can be sent to all potential stakeholders for their review. This document would try to quantify possible economic impacts and legal background for differing courses of action the Regional Board could take. Susan Sherry stated that stakeholders do not participate in negotiations or sharing of costs if they don’t believe they are at risk, if their risk is very small, or if they have a better alternative to participation.
4. G. Fred Lee and Mark Gowdy will provide an estimate of cost parameters for annual aeration and monitoring O and M costs. They will provide a worst case expense scenario. This will help the Steering Committee understand the potential limits of what they might have to come up with

as part of an assurance package. There will probably additional communication and administration costs to continuing the stakeholder process as well.

G. Regional Board Meeting – July 19

1. The meeting is scheduled with 30 minutes allocated to this issue. Regional Board staff will post a notice to the sjr-tmdl website to provide a more accurate estimate of the time the item will be heard.
2. Lowell reported that nothing other than the staff report was going to be mailed as part of the Board package that occurs in advance of the meeting.
3. As documents for presentation at board meeting are finalized, they will be circulated and posted on website.

H. CALFED management briefing

1. Barbara Marcotte reported that the CALFED Management Team is expecting a briefing on the dissolved oxygen progress at their August 13 meeting. (Note this has changed from the Aug. 6 date that Barbara had stated in the meeting.)
2. Lowell will be the lead presenter for the Steering Committee. Everyone is invited to attend.

I. USACE authorization and appropriation legislation

1. There is still \$10 million in the appropriation package for the USACE to help with an aeration solution to the low DO problem in the DWSC. It is expected to remain in the Water Resources Development Act. It cannot be utilized except for a very small amount (\$100,000) without authorization legislation.
2. Lowell Ploss sent proposed authorization language for possible inclusion in the Senate USACE authorization legislation. This bill though may get tied up in the politics of Washington and not be voted on this year. Lowell will inform stakeholders if their time and energy might be useful in helping the legislation pass.

J. Port of Stockton Tenants Association

1. Three representatives from the Tenants Association attended their first Steering Committee meeting. They appreciated the presentation that Chris Foe provided them at their recent meeting. The hope to attend future meetings.