

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

Attending: Doug Brewer (Jones and Stokes), Russ Brown (Jones and Stokes), David Cory (SJRECWA), Hicham Eltal (Merced ID), Chris Foe (RWQCB), Mark Gowdy (RWQCB), John Herrick (SDWA), Mary Hildebrand (SJFB), Robert Howard (City of Modesto), Jay Jahangiri (TRE), Bill Johnston (Modesto Irrigation District), Debra Liebersbach (Turloch Irrigation District), Lee Mao (Bureau of Reclamation), Barbara Marcotte (CALFED), Joe McGahan (Grassland Farmers), Lowell Ploss (SJRG), Tom Quasebarth (CDM, City of Modesto), Steve Ritchie (URS), Rene Roa (TRE), Mike Schafer (City of Lodi), Warren Shannon (City of Manteca), 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)

Conference Call on Interim Planning Coordinator Tasks
May 3, 2002 8:30 am. Phone number to be announced.

Conference Call to Prepare for July RWQCB Meeting
May 8, 2002 8:30 am. Phone number to be announced.

Next Technical Advisory Committee
May 14, 2002 9 am - 4 pm. Location to be announced.

Next Executive Committee Conference Call
Conference Call: May 15, 8:30 to 10:00 am, Phone number to be announced.

Next Steering Committee Meeting:
June 5, 2002 9-12:30, 2500 Navy Drive, Stockton

Peer Review Workshop
June 11-12, 2002 All day. Clarion Hotel, Sacramento

Handouts:

- 1) Meeting RWQCB Goals and Objectives by the end of 2002 - Draft, Kevin Wolf
http://www.sjrtmdl.org/strategy/goals/rwqcb_g_and_a.pdf
- 2) Proposal Scope of Work and Budget for Kevin Wolf
- 3) E-mail from G. Fred Lee concerning Synthesis report delivery timeline

A. Peer Review June 11-12 Clarion Hotel in Sacramento

1. Steve distributed the Peer review questions that were sent on to Sam Luoma and the CALFED. CALFED will finalize the questions for the peer reviewers. The latest set of questions can be found at

2. The Synthesis Report is delayed ten days until May 10. Originally it was due on May 1 but some of the PI reports were delayed as were comments on the draft synthesis report. The new schedule is for all comments to be in on the latest draft by 5 pm on May 6. Contact G. Fred Lee (gfredlee@aol.com) for the most recent version.

a. The Steering Committee required Fred to put the latest compilation of the Synthesis Report on the website by the end of the day on May 1. Comments on the draft should also be put on line for others to be able to read. See http://www.sjrtdml.org/technical/2001_studies/reports/final/synthesis_comp.htm.

b. Fred will have the rest of the week until May 10 to incorporate changes. His final draft is due to Steve Richie/URS on Friday for inclusion in the package that will be sent to the peer reviewers. The peer reviewers will have four weeks to read the documents and prepare.

c. Steering Committee members requested that Fred remove his answers to the peer review questions from the Synthesis Report. The focus should be more on the explanation of what the PI's understand and where they agree and disagree, and why. Chris Foe will talk to Fred more about this issue.

3. Steve Richie will provide a list of the peer reviewers expected to attend the June 11-12 workshop. This list is on line at http://www.sjrtdml.org/technical/2001_studies/process/peer_review_questions_may2.pdf.

4. Schedule from now through the Peer Review

a. Reports and other documents will be sent to the peer reviewers on May 13.

b. The May 14 TAC meeting will include a review of the Peer Review process and discussion of the Synthesis Report and how this can help clarify what PIs should focus on in their presentations at the Peer Review.

c. On June 4, the PIs will conduct a dry run of what they will present at the Peer Review.

d. On June 11 and 12 the Peer Review will occur at the Clarion Hotel in Sacramento.

e. It is not quite clear when the peer reviewers will have finished their comments on the reports and when the Principal Investigators will finish reviewing the comments and make any appropriate changes to their final report.

5. Public involvement at the Peer Review workshop.

a. The Peer Review workshop will be open to the public, but there will not be time for them to provide comment. The priority for interaction will be for the writers of the different reports. The second priority will be for active members of the Technical Advisory Committee.

b. URS will send out a press release for the Peer Review workshop to the organizations and news agencies on the list put together by Judith Buethe Public Relations. Kevin will get them the list. URS will circulate a draft press release to the email list for review before sending. The mailing should also include an agenda of the two-day workshop so that potential participants know what parts they might want to attend. Kevin will place the press release and agenda on the website when they are ready..

c. There might be time for public and stakeholders to have a discussion with the principal investigators and TAC members while the peer reviewers sequester. If this is possible, it will be included in the agenda.

B. CALFED 2001 Final Report Extension of Deadline and Request for Additional Funds

1. The Steering Committee agreed to request to CALFED that they approve an extension of the final reporting deadline for the 2001 studies. PIs interested in this extension should send an official request to Rebecca Cramer with NFWF by May 6.

2. The Steering Committee approved asking CALFED for an addition of funds for Fred to finish administering the 2001 project. The Steering Committee will support whatever reasonable amount is worked out between Barbara Marcotte, Chris Foe and Fred.

3. If there is a need for any additional decision making by the Steering Committee on these funding and reporting issues before their next meeting on June 5, the Executive Committee is authorized to make such decisions.

4. The CALFED review panel meets on May 27 to decide on these issues. Fred will be unable to attend and Barbara Marcotte cannot speak for the Steering Committee. Lowell Ploss will attend for the Steering Committee and address any issues.

5. Barbara Marcotte is attempting to request an addition to the 2001 Directed Action studies so that there will be funding for an Interim Planning Coordinator between now and the time funding can be secured for a long-term Planning Coordinator. A special conference call is scheduled for Friday May 3, 2002 to work through the tasks the interim Planning Coordinator would undertake. This list of tasks will be sent to Barbara for her input on which tasks would be reasonable as extensions of the 2001 studies. The Steering Committee hopes that work on developing the pilot aeration and monitoring projects will be acceptable as a logical extension of the 2001 work on aeration and aeration monitoring needs. There is approximately \$50,000 in unspent funds in the 2001 Directed Action Studies budget that might be easier to access than if a request for more funding exceeded that amount.

C. Stakeholder 2002 Goals and Objectives

1. Regional Board management has been reviewing the Steering Committee's understanding of its goals and objectives to be accomplished by the end of 2002. According to Chris Foe, they do not disagree with the summary (http://www.sjrtmdl.org/strategy/goals/rwqcb_g_and_a.pdf), but they want to see more details. Regional Board attorneys are now reviewing the proposed goals and objectives. Chris will inform the Steering Committee if their management or legal teams have any concerns.

2. The Regional Board will not be able to review the goals and objectives until their July 2002 meeting. The Steering Committee has time on the July agenda for this and the six-month review of the stakeholder progress.

3. Concern was raised as to whether USEPA Region 9 would accept a TMDL without a load allocation and only a cost allocation to meet the interim Target Performance Goal and Milestone. Chris did not think they would have a problem with it, but he is not certain. He is beginning the process to gain a response from them on this issue. Chris believes that the quality of the assurance package for how the Steering Committee will meet the costs of aeration and monitoring will be critical to gaining the USEPA support for this unusual TMDL. For example, what does the assurance package commit to if aeration doesn't work?
4. Some of the details expected by the Regional Board management and the USEPA include:
 - a. How will NEPA/CEQA be met for the pilot aeration and monitoring program? (It is anticipated that a FONSI with a Negative Declaration will suffice.)
 - b. How will USACE permits be obtained in a timely manner?
 - c. How much leeway is there in the cost sharing agreement in case if aeration and monitoring is more expensive than expected?
5. On May 8, there will be a conference call with Chris Foe and Mark Gowdy to review details of 2002 and 2008 timeline. The results of this discussion will be important for the Steering Committee's presentation to the Regional Board in July.

E. Plan of Action

1. A detailed set of tasks for 2002 needs to be agreed upon. Some of these tasks will be done by the Steering Committee and sub-committees. Some tasks will need to be done by an interim Planning Coordinator because funding and a contract for a long-term Planning Coordinator are not expected until September or later. Participants in the May 3 conference call will review the tasks of the interim planning coordinator and craft a recommendation for CALFED for consideration as an extension of 2001 Directed Action work. The Steering Committee will review these tasks and a timeline at their June meeting.
2. The most critically important task for the Planning Coordinator is to help the process needed to install an aeration pilot project in the DWSC by June 2003. Having an aeration project in the water at that time will be an important factor in convincing the Regional Board and the USEPA that the Steering Committee is able to make this TMDL work without a load allocation.
3. To install an aeration pilot project by June 2003, it is expected that a contractor will have to have a contract signed with CALFED by January or February of 2003. To make this deadline, an RFP will have to be out for review soon. CALFED's internal decision making process is often slow and ideally eight months should be given between the time an RFP is released and contracts are signed. To meet this eight-month lead time, an RFP will need to be released in July.
4. The Plan of Action should extend out through 2008 when the long-term Implementation Plan is needed to meet the Basin Plan dissolved oxygen standard and target. Participants in the May 8 conference call will work on this.

5. A contractor for the long-term Planning Coordinator needs to be hired through CALFED. CALFED has the following options to accomplish this:

a. CALFED has an RFQ circulating to hire engineering and environmental firms to be able to do work on CALFED projects without having to bid on the separate projects. One of these firms could provide the Planning Coordinator through this contract. Funds would likely come through the Prop. 13 Dissolved Oxygen restricted funds (\$40 million). The RFQ proposals are due to CALFED by mid to late May. Winning bids should be decided upon over the summer with contracts hopefully finalized by August or September. Soon after a contract is signed, a Planning Coordinator can be brought on board through this master contract.

b. CALFED can circulate an RFP for the long-term Planning Coordinator position. RFPs are often more time consuming. The first step is to develop a clear scope of work and set of deliverables. The May 3 and 8 conference calls are expected to make progress on these needs.

c. Either through the Steering Committee or a designated financial agent (e.g. the San Joaquin River Group), the stakeholders could develop a Directed Action proposal as they did for the 2001 studies. This Directed Action proposal theoretically could include funding for the long-term Planning Coordinator and the Pilot Aeration and Monitoring projects.

6. It may become important to gain an agreement between CALFED, DWR and the authors of Prop. 13 (e.g. Senator Machado) on how the Dissolved Oxygen funds can be spent in the area of planning and feasibility. A strict reading of the language limits the funds to construction related projects. There is a general understanding that funds can be allocated for the feasibility studies, engineering and environmental reviews that are needed before construction projects can begin.

7. There is \$5 million of Prop. 13 Dissolved Oxygen funds in the 2002-2003 state budget. This money cannot be tapped for other purposes so its passage is secured. The \$5 million that was in the 2001-2002 budget and not spent reverted back to the Dissolved Oxygen account.

G. Funding for Facilitation and Website Work

1. \$22,000 in funding for the facilitation and web tasks has been secured for Kevin Wolf to work through the end of the year. Funds come from the following:

- a. South Delta Water Agency - \$4000
- b. City of Stockton (not the Port of Stockton) - \$14,000 (for Executive and Steering Committee work)
- c. San Joaquin River Group - \$4000

2. This funding will cover Kevin Wolf's Steering and Executive Committee preparation, facilitation and notes, website maintenance, and some additional writing and communication work each month, though this does not allow him to provide as much Steering Committee support as he has been able to do in the past. Tom Quasebarth will do Kevin's TAC related work.

3. Doug Brewer reported that the Port of Stockton was also considering providing funds for this work. He will check with them and report back to the Steering Committee.
4. Funds from these other entities will not be able to go through the City of Stockton to Kevin. Kevin will need to work out a contracting and invoicing arrangement with SDWA and SJRG directly.

H. New Steering Committee Chair and Vice Chair

1. The Steering Committee warmly thanked Mary Hildebrand and Alice Tulloch for their work over the last year as Steering Committee Chair and Vice Chair. Both agreed to serve for a year and have served for over 15 months. Mary especially did a tremendous amount of work and was instrumental in helping guide the Steering Committee to the position it is now, where it is truly possible to meet the Regional Board's requirements by the end of 2002.
2. The Steering Committee unanimously voted for Lowell Ploss to become the new Steering Committee Chair. His exact job description will be determined once a vice-chair has been selected and together they work out who will be responsible for what tasks.
3. The Steering Committee postponed the selection of the Vice Chair. The Executive Committee had nominated Rob Howard with the City of Modesto. He said he was honored to be nominated but would be very restricted in the amount of time he could provide. The City of Modesto is committed to the stakeholder process as it has shown with the funding of Tom Quasebarth to be the TAC chair. He suggested that the Steering Committee consider Dan Hinrichs as vice chair. Dan and Robert work together very closely and Dan would know very well the position and needs of the City of Modesto. Robert was unsure if Dan would be able to make the commitment needed for the Vice Chair position. The Executive Committee will discuss the options for a new Vice Chair at its May 15 conference call. In the meantime, anyone interested in being the Vice Chair should contact Lowell Ploss.

I. Missing Stakeholders

1. USACE

- a. A conference call with Paul Bowers and other USACE staff is tentatively scheduled for May 13. The agenda includes reviewing the options for advancing Congressional authorization and appropriation of funds to the USACE for assistance in solving the low dissolved oxygen problem. Anyone interested in participating in the call should contact Lowell Ploss Lowellploss@cs.com.
- b. Lowell will take the lead in gaining more information on the Congressional legislation that would add \$10 million to the USACE budget in 2003 for their work in aeration feasibility studies in the DWSC. This legislation will need a local cost-sharing partner to pay for the 25% non-federal share of the project. Also, authorizing legislation may be needed to allow the appropriation of the funds. Lowell will keep the Steering Committee informed of progress and of opportunities for stakeholders to weigh in and help advance the legislation. Any entity interested in being the local cost-share partner should contact Lowell for details and then consideration by the Steering Committee at its June meeting.

c. More information needs to be gained before the Steering Committee meets with the USACE on the proposed DWSC deepening project which would, if funded, lower the depth from 35 feet to 45 feet below mean low tide level. Lowell will take the lead on this as well.

2. Port of Stockton

a. Doug Brewer reported that Jones and Stokes is working for the Port on a number of projects. He has been asked by the Port to keep them informed of Steering Committee issues and to present information about the Port when a Port representative cannot attend meetings.

b. The Port recognizes that it has a significant stake in the outcome of the dissolved oxygen TMDL. Doug believes that the Port will become a more active and helpful participant in the process.

c. The Steering Committee hopes that someone from the Port's management can attend the June 5 meeting and report directly on their commitment to helping with the TMDL process. Doug will inform the Port of this request.

3. DWR

a. Paula Landis with the DWR's San Joaquin office called with her regrets that neither she nor a representative was again unable to attend the Steering Committee meeting. She hopes to be able to attend the next meeting.

b. Steering Committee members expressed concern that Paula might not be the right person from DWR to attend their meetings. The DO TMDL overlaps with export issues, South Delta operations, and possibly drinking water quality issues. Lowell will talk with others within DWR to find out if another representative would be better suited to address DWR policy issues in these areas.

4. State Water Contractors

a. There was some discussion on whether the SWC should participate in the Steering Committee. For the same reasons that DWR is being encouraged to attend, the SWC have a stake in the DO TMDL outcome. At a minimum they should be thoroughly briefed on the issues that may affect them.

b. Lowell agreed to talk with the SWC executive director and report back at the June SC meeting.

5. Stakeholders contributing to flow and load in the San Joaquin River above Hwy 165.

a. The Steering Committee did not have time to review this issue and the stakeholders involved in the loads that the Strawman Analysis indicates are coming from this subwatershed. The Executive Committee will consider including this issue on the June agenda. This will be a good time to understand the how flow and loads reach this section of the San Joaquin and which entities should be involved in discussions of cost sharing and eventual load allocation issues.

