

SJR DO TMDL Steering Committee Notes - Draft

June 26, 2003

Neumiller-Beardslee Offices, 509 West Weber, Stockton CA

Attending: Rod Attebery (Port of Stockton), Paul Bowers (USACE), David Cory (SJR Exchange Contractors), Mark Gowdy (RWQCB), Russ Grimes (SKS), Lisa Hunt (URS), G. Fred Lee (G.F. Lee and Associates), Barbara Marcotte (Bay Delta Authority), Joe McGahan (Grassland Farmers), Lee Mao (USBR), Lowell Ploss (SJRGA), Tom Trexler (JSA), Kevin Wolf (facilitator and notes 530-758-4211, kevin@wolfandassociates.com)

Next Meetings:

Steering Committee: July 24, 2003 (9 am - 12:30 pm)

Neumiller-Beardslee Offices, 509 West Weber, Stockton CA

Executive Committee: July 15, 2003 (8:30-10 am)

Conference call number will be announced with the agenda.

A. Port of Stockton West Complex EIR (update by Rod Attebery)

1. The West Complex is a major expansion of the Port of Stockton and is a significant increase in the Port's business and related jobs. The Port is presently preparing a programmatic EIR on the overall project as well as project specific elements on a new bridge to Rough and Ready Island and the dredging of Berths 14-20. The expects to release them to the public sometime this summer however they anticipate a legal challenge at approval by the Port Commission..
2. The project specific EIR for dredging Berths 14-20 is, among other things, evaluating the following:
 - a. Dredging these berths to 36 feet to obtain a 35 foot depth which is the depth of the channel will remove 326,000 cubic yards of sediment.
 - b. The same dredging techniques that were used in the berth deepening project of 2001 (hydraulic dredging with a rotating cutter head that results in little turbidity because so much water is removed with the sediments) will be used here.
 - c. Aeration of the dredging operation would add 500 pounds of oxygen per day right at the cutter head.
 - d. Land disposal of the sediment and associated pumped water on Roberts Islands. With so much water being removed, the water needs to be returned to the DWSC after the sediment is settled out. Water returned to the DWSC will meet Water Quality objectives. If the water cannot be disposed to the channel, then dredging operations will cease until it can meet the objectives.

e. Mitigation for any toxics found in the sediment will be done. One of the berths (Dock 16) has possible contamination problems in its sediment. Frequent sampling and analysis of the sediment will occur during all dredging. Any contaminated sediments will be capped, treated or mitigated in some other appropriate way.

3. Permits and Timeline

a. The Port believes it can begin dredging before the end of 2003. It needs to complete the EIR and obtain the associated permits and approvals from the Corps of Engineers, USFWS, Dept. of Fish and Game, State Reclamation Board, and the RWQCB.

b. The dredging could be delayed because of legal challenges but they believe that their careful attention to crafting a solid EIR will prevail in any court challenges.

4. Aeration Mitigation.

a. The dredging cutter head will have an aerator at the dredging site that will add 500 pounds of oxygen per day. This more than compensates for any potential dredging related oxygen problems that it might cause.

b. In addition to this aeration, the Port is proposing to pay for and manage the addition of 250,000 pounds of diffused pure oxygen to the DWSC annually at times to be determined given the conditions that are worked out with regulating agencies. This is meant to more than mitigate for any cumulative effects that the additional increases to DWSC volume from the removal of 326,000 cubic yards of sediment may cause. This increased depth to the berths adds less than 1% to the DWSC's overall volume but the aeration amount is about 25% of the estimated total annual aeration needed to solve the entire dissolved oxygen problem in the DWSC.

c. The Port is proposing to modify and operate the US Army Corp of Engineer's jet aerator to add this O₂ to the channel. Past studies show that the aeration benefits from the jet aerator disperse well through the water column and up and down the channel.

d. A question was raised at the meeting on the effectiveness of the aeration when the DO sag moves down stream under higher flow conditions (above 1200 cfs) and oxygen depletion occurs closer to Turner Cut.

e. If the jet aerator is not available from the Corp, the Port will develop another.

5. Relationship to DO TMDL Aeration Efforts

a. The Port will participate in the aeration demonstration project and any long term aeration efforts but will not move forward with this until the West Complex is able to be advanced. They expect the project to be ready to go by the end of the year but realize that they will likely be sued and the project could be delayed.

b. The Port is willing to consider participating in a Joint Power Authority that is the lead agency and administrator for long term aeration needed for the DWSC. The is unsure at this time about its authority to be the lead agency on its own, especially if the reasons for

the aeration involve fish migration or other aquatic habitat issues and not channel maintenance or enhancement.

- What will be the responsibilities of a lead agency?

c. It looks like it won't be necessary to have selected a lead agency until later in 2004. By then, the Port expects any legal challenges to their project will be finalized and they can know if they will be able to participate with a Joint Power Authority. In the meantime, the Port will work with the stakeholders in the development of the JPA so that when the time is right, the JPA can be finalized quickly and a demonstration aeration project can move forward with little delay.

6. Status of Transfer of the Jet Aerator to the Port

a. Paul and Rod are optimistic that the transfer from the Corp can occur before the start of the required aeration period that begins in September.

b. Details that will resolve past and future financial obligations among both parties are still being worked out. When this is done, they hope that the agreement can be in the form of a letter and that it won't need to go through headquarters and a more formal process.

B. Work Assignments (see

<http://www.sjrmdl.org/implementation/coordination/index.htm>)

1. Extension of Contracts:

a. Mark Gowdy will review the draft work assignment extensions after he finishes the Report to the USEPA due at the end of the month.

b. After this review, the drafts will be circulated to the stakeholders via email and the web. A final review will occur at the July 24 Steering Committee meeting.

c. The extensions will then be sent to the Bay Delta Authority and will await process steps that are not yet finalized and won't be until after the August 14 CBDA meeting.

d. As soon as the state budget passes, Jones and Stokes can expend existing funds that have already been approved. Thus work assignments 4-7 will have to stop work on June 30 but can begin again when the legislature agrees on the budget.

2. Work Assignment 4 - Facilitation and communication

a. All the tasks in this assignment have been completed except for the development of the brochure and newsletter. Mark was needed to edit this material and hasn't had the time given the USEPA deadline. When the legislature passes the budget, this can continue.

b. Kevin will continue basic website maintenance through the end of the budget with pro-bono time as this line item is presently exhausted. The draft extension of the contract

includes funding to redo the website so that it is more searchable and better organized. The website has over 700 documents on it now.

c. The draft work assignment extension provides facilitation, coordination and note taking support for committee and working group meetings each month. The details of this extension will be reviewed at the July 24 meeting.

3. Work Assignment 5 - Aeration Demonstration Project

a. The sub-tasks are basically completed and will be reviewed in July.

* A draft bibliography and summary of DWSC relevant research, data and aeration technology options has been compiled.

* The Aeration Feasibility Study Plan has been drafted.

* A draft monitoring plan to establish baseline conditions and evaluate the performance of the aeration devices has been designed and developed.

b. The extension of the work assignment (WA 17) is drafted and awaiting Mark's review before being circulated to the listserv and website.

c. As soon as a contract for WA 17 is signed, JSA can move into the next stage. If budget and procedural delays don't push the contract signing into the fall, enough work should be able to be accomplished so that mitigation, operation and maintenance costs of the top aeration options can be determined by early 2004. This will allow the potential contributors to the Aeration Maintenance and Operations Assurance Agreement to know the parameters of their financial exposure in time for the Regional Board's Basin Plan Amendment decision due in June 2004.

3. Work Assignment 6 - [Implementation Planning, Strategy, Timeline, and Roles](#)

a. Lisa Hunt reports that URS has completed most of the work for the two subtasks in this project except that they need to have Mark Gowdy's help in determining key steps, deliverables and time schedules before they are circulated for wider review.

b. There will be funds remaining in this account to complete the work whenever the new state budget passes.

c. The draft Gantt Charts (timeline, milestones etc) and accompanying documents will be posted on the web for the review process.

4. Work Assignment 7 - Non-Aeration Feasibility Studies

a. This work assignment evolved to spend more effort in developing the rating criteria, organizing the hypotheses and data gaps as identified in the Synthesis Report and preparing an integrated plan for how to best develop the Feasibility Studies funding process.

b. The group working on this will meet at noon right after this meeting. The notes will be circulated to the sjr-tmdl listserv and will provide the latest information on their progress.

c. There was some discussion on the relationship of the Non-Aeration Feasibility Studies to the direction the Regional Board would be taking with the end of the Ag Waiver. For example, it looks like the Board will pursue actions on nutrient controls in about six years. This will be about the time that the long term implementation plan will be operating. Benefits should be gained by coordinating these efforts.

C. Roles and Responsibilities

1. Meeting participants reviewed why the Steering Committee was established by the Regional Board and whether it should end or continue. At the end of the discussion, they decided that the Steering Committee should continue with its same decision making structure but without a Chair until decided otherwise. Issues involved in the discussion included:

a. Prop. 13 language refers to the need to consult with a duly appointed public advisory committee for DO funds to be expended. Over the last four years, all expenditures of funds through CALFED including Prop. 13 funds have been signed off by the Steering Committee. CALFED has been accepting the Steering Committee's support as meeting the Prop. 13 directive for public consultation. Barbara will find out what is needed to meet this directive and whether the Steering Committee will meet this need or if another structure such as has been done with the Drinking Water working group would need to be constituted for DO Prop. 13 expenditures.

b. An organization like the Steering Committee with its own letterhead and defined membership often has more power than different sets of individuals coming together to sign letters or take other actions or as individual organizations acting alone.

c. The Steering Committee may be an easier way to organize than to attempt to gain many signatures for a letter. For example, between 20-25 organizations are eligible to vote each month because they meet the minimum attendance requirement. Getting this many organizations to sign a letter would be logistically difficult, especially if the Jones and Stokes team was able to provide staff support. It is much easier for a Steering Committee to agree on such letters at their monthly meetings and have the chair sign afterwards.

d. At their March 14 meeting the Regional Board members seemed to indicate that they expected a Steering Committee to continue to help make sure the implementation plan they proposed in March was followed through.

e. The timeline, milestones, deliverables and other activities that will be detailed in the URS developed schedule will provide everyone with a better understanding of who will be making what decision when over the next five years and what the role of the stakeholders are. The Steering Committee may be important to that process. For example, does the Regional Board want to encourage stakeholders to see if they can reach consensus on a stakeholder preferred alternative for the long-term implementation plan EIR?

f. One of the reasons why it seemed that the Steering Committee should transform into non-decision making Stakeholder Forum was because no one volunteered to be the Steering Committee Chair and Vice Chair. As the importance of this organizational entity becomes clearer in the months to come, the role of the Chair/Vice Chair will be clearer and volunteers may arise.

2. For now, the Steering Committee will continue with the understanding that more information will be gained in the months to come and that future SC meetings will review the information and make a final decision on their structure and role at a future meeting. In the meantime they will continue as they have in the past. Information needed to help make a final decision include.

a. A list of actions and "needs" for a Steering Committee with voting members.

b. Debate on the appropriate structure of the group including what is needed/wanted by the Bay Delta Authority - Prop. 13, the Regional Board, and the stakeholders themselves.

c. A determination on what would be the best organizational entity to be around before and after the Basin Plan Amendment is approved by the Regional Board in 2004.

d. Report back from Barbara on the Bay Delta Authority's preference on how they would like to involve the public in the process by which decisions are made on the expenditure of Prop. 13 funds and on how they advance actions to meet the Record of Decision's direction on dissolved oxygen. The Ecosystem Restoration Subcommittee will likely have an opinion on how they would like to involve the public in dissolved oxygen related decisions.

3. There clearly is a need for a technically sophisticated group to participate in various parts of the development of a long term implementation plan. The next meeting of a technical committee, working group or advisory committee will not occur until probably September after the upstream studies are approved and the state budget is finalized. The role, make up, chair and meeting schedule of the technical group will be reviewed again at the July 24 Steering Committee meeting. Some of the issues involved include:

a. The development of the Upstream Studies will create a team of scientists who will have funding to participate in ongoing discussions and provide advice to a policy oriented group. Their meetings can be incorporated into the overall technical committee meetings and guarantee a high level of involvement by very talented and knowledgeable individuals.

b. There is general agreement that a set monthly meeting time and location should be established so that participants can schedule this into their busy lives.

D. Upstream Studies

1. The last peer review comments on the upstream studies are due in mid-July. The delay has occurred in part because an additional expert in isotope techniques and research was needed to review this section of the proposal.
2. After this review is in, a summary of the reviews will be written by Marc Roberson and sent to the BDA's solicitation review panel. The panel will have a representative from the Regional Board to help make the final decision.
3. After the BDA panel makes a decision, the decision and the accompanying material including all the documents from the science review panel process will be made available to the public for a 30 day review period.
4. At their August 14 meeting, the BDA board will decide how the final decision will be made on this allocation of funds. It could delegate the decision to Patrick Wright. It could put in on one of its own future agendas to review and decide.
5. The soonest contracts could be signed would be in September. It is highly unlikely that any field work will be done this season. It is expected though that the contracts will be signed in time for work to begin in early 2004.

E. Biological Assessment (BA) for CVP Delta Operations

1. Fred briefed participants on what he has learned about the BA. He is writing comments on the importance of this to dissolved oxygen conditions and critiquing its shortcomings. He will circulate his document to everyone. They are welcome to sign on to his comments or use his to help write their own.
2. An update on this will be on the July 24 agenda. The Steering Committee will consider writing and sending in a letter on behalf of its members. (If so, a draft will be circulated before the meeting.)
3. A future Work Assignment will allocate funds for a knowledgeable person to attend meetings and processes such as this to help ensure that these other processes understand and consider the role their projects and programs might have on low dissolved oxygen conditions in the DWSC.