

DELTA LTMS MULTIPLE TECHNICAL WORK GROUPS MEETING

Department of Water Resources*

1416 9th Street, Room 435

Sacramento, CA

Tuesday, November 10, 2009

9:00 a.m. – 12:30 p.m.

MEETING NOTES

Meeting Attendees:

Christine Boudreau – Boudreau Associates

Bill Brostoff – USACE SPN

Katie Chamberlin – Anchor QEA

Matilda Evoy-Mount – USACE SPK

Phil Giovannini – CVRWQCB

Roberta Goulart – Contra Costa County

Michael Hoover – USFWS

Victor Izzo – CVRWQCB

Misty Kaltreider – Solano County DRM

Cory Koger – USACE SPK

Tina Lunt – MBK Engineers

Jack Malone – Anchor QEA

Steven Michelson – Env. Risk Services

Al Paniccia – USACE SPN

Tom Scheeler – Port of West Sacramento

Brooke Schlenker – USACE SPK

Amy Simpson – DWR

Tanis Toland – USACE SPK

Jeff Wingfield – Port of Stockton

Garwin Yip – NOAA Fisheries

INTRODUCTIONS AND ANNOUNCEMENTS

REVIEW OF MEETING AGENDA

- Bill reviewed the meeting agenda and overall goals and solicited suggestions of additional agenda items and revisions. There were no additions except to introduce

Tanis Toland from the USACE, who was in attendance and briefly discussed the Bay-Delta Federal Work Plan and MOU.

BUDGET UPDATE

- Al reported that the President signed the 2010 Energy and Water Appropriations bill into law but the Delta LTMS is only allocated approximately \$100,000. There is carryover of approximately \$35,000 to add to that sum, but even this amount is far less than the funding available in previous years. The USACE is considering reprogramming money from the Bay LTMS, but those discussions are still underway and nothing has been settled yet.
- Bill asked Tanis whether there is a possibility that additional funding could be found for the Delta LTMS and she replied that in general funding is scarce so there have been constant requests from Washington for information about Delta water resource needs and studies that would have potential effects on the Delta, including ecosystem restoration initiatives.
- Tanis emphasized the need to effectively package the Delta LTMS story in plain language to highlight its importance and increase its chances of receiving funding. The discussion continued when Roberta arrived and reported that the Delta LTMS is on the priority list of Delta counties to lobby for in Washington. She explained that Contra Costa County had been unsuccessful in getting much funding for the project this year despite the fact that it was at the top of their priority list.

REMINDER OF FUTURE MEETINGS AND SET FUTURE TWG MEETING DATES

- Bill reminded the group of upcoming meeting dates for the Delta LTMS and related meetings of interest in the region. Among these meetings are the green sturgeon and longfin smelt symposia to be held on December 2-3, 2009, in Oakland at the State Office Building. (Flyers were available at the meeting and an electronic version is available on the Delta LTMS website.)
- Bill reported that symposium focusing on methyl mercury issues associated with dredging has been scheduled for January 28, 2010, which is the day after the RMP meeting hosted by SFEI. Further details about this mercury symposium will be provided as they are developed.
- A Delta LTMS TWG meeting was scheduled for **February 4, 2010**.

TECHNICAL WORK GROUP CHAIR ALTERNATES

- There was a general discussion of the need for alternates for the TWG Chairs and Bill informed the group that the USACE is working internally to designate an alternate USACE chair for the Permitting TWG. Christine is serving as the alternate for Brian, as originally envisioned and Brooke has been able to attend reliably or send an interim alternate in her place for the Alternatives TWG.

REVIEW ACTION ITEMS FROM PREVIOUS MEETING

- Bill and Jack reviewed the action items from the previous meeting.
- Hydrodynamic modeling updates have been delayed and a general discussion ensued about the nature of the delays the contractors are facing. Tanis and Tom suggested that they would be happy to make calls and work to ensure that the information that is needed to complete the studies is made available.
 - Roberta said that she would be interested in knowing what the important environmental issues and potential outcomes are with regard to the modeling efforts. Tom replied that the scientific issues are very complicated so the modeling efforts include a variety of permutations, but the bottom line is still that the DWSC project is time-sensitive so these issues must be resolved in a timely manner.
 - Bill explained that the USACE is modeling potential aquatic salinity and dissolved oxygen changes that could result from the DWSC projects and the USACE is expecting a modeling report at the end of February.
 - Roberta stated that Contra Costa County has a large stake in the modeling efforts through their involvement with the Port of Stockton and larger policy issues related to salinity patterns. She suggested that her office should be involved in the modeling discussions.
 - Tanis asked whether the complications and delays were related to the “future state” predictions and Bill explained that the analyses are including both DWSC projects and multiple permutations of potential projects, so the projections are complex and potentially controversial.
 - Bill said that he could bring the modeler Frank Wu to one of the next meetings and Roberta suggested that it be the December TWG meeting.
 - Michael reported that there are modeling efforts being conducted in the Delta through the BDCP and that the potential addition of many acres of tidal wetlands in the Delta would certainly change the hydrodynamics of the Delta.
 - Tanis asked for clarification about the modeling that Michael described and the roles of the resource agencies in the effort and whether the modeling will

provide information to serve as a “baseline condition” for environmental analyses. She also asked whether the results of this modeling effort will be key to use in all future projects. Brooke and Michael explained that a range of future scenarios would be addressed through the various technical and environmental planning pathways and potential ways. They also suggested that effort would be made to ensure that the modeling efforts could be integrated across projects.

- Michael has been pursuing internal discussions at the USFWS regarding environmental work windows for sediment sampling activities and will continue to do so now that they have completed their office move.

ACTION ITEMS

1. Bill will arrange for Frank Wu to attend the December TWG meeting to present a brief summary of the modeling exercises and available results, if appropriate.
2. Anchor QEA will coordinate with Bill to ensure distribution of the hydrodynamic modeling summary information in advance of the December TWG meeting to ensure that meeting attendees have time to review it before the meeting.

PROTOCOLS WORK GROUP AGENDA

UPDATES ON SACRAMENTO DWSC PROJECT

- Bill explained that the sediment testing data report has been revised in response to the comments from the previous Delta LTMS and IWG meetings, but the report is not yet available for discussion at this TWG meeting. He suggested that Cory might summarize the status of the report.
 - Cory reported that they had added a compilation of the past sediment data from previous O&M dredging episodes. The report recommends that because of an elevated methyl Hg concentration at RM 31, that material would be left in place. He also stated that there was a potential issue at RM 3 with levels of elevated levels of arsenic detected in the effluent.
 - Phil and Cory discussed general considerations about methylation associated with discharge of decant water and the potential need for use of construction BMPs and development of backup plans to address decant water quality if necessary once dredging has been initiated.
- Bill reported that the USACE is close to awarding a contract for a study of potential sediment placement and beneficial reuse sites in the Delta to be used for the Sacramento and Stockton DWSC projects as well as for USACE O&M projects. Christine asked for

clarification of the scope of the study and Bill explained that the task is to identify sites and include some level of additional information for both existing and potential sites.

- Phil stated that he thought that one of the key tasks of the LTMS and in identifying placement sites is to match up sediment needs with sediment sources and Bill stated that to an extent that level of analysis is part of the contract.
- Christine asked what the task timeline would be and Bill stated that the first draft report is due within 45 days from NTP, which is expected to be issued any day and the broader Delta-wide report is to be due within 3 months of NTP.
- Christine explained that this effort would provide a crucial baseline level of information for both of the DWSC projects. Phil reiterated that he hopes this effort isn't just a summary of existing and historic placement sites and that potential future project needs and opportunities can be identified as part of a holistic approach. Bill and Christine suggested that in the short-term this effort will help with the Sacramento DWSC project and in the long-term it will aid in all other Delta dredging and sediment management efforts.

UPDATE ON STOCKTON DWSC PROJECT

- Bill stated that Stockton DWSC project is approximately a year behind the Sacramento DWSC project, though there is currently not much funding for Stockton available. They expect a draft EIS toward the end of 2011 with dredging proposed for 2012.

ACTION ITEMS

1. Bill and Cory will revise the Sacramento DWSC sediment characterization report in advance of the December TWG meeting so that it can be distributed for review.

ALTERNATIVE DEVELOPMENT WORK GROUP AGENDA

CALFED LEVEE STABILITY PROGRAM, DILFS, AND BETHEL ISLAND PROJECT UPDATES

- Brooke reported that the Levee Stability Program is still moving forward with approximately 25 site reports completed with the goal of positioning 6 of them to move through the signed cost-share agreement phase with the non-federal sponsors and the goal of completing the study phase within the fiscal year. These projects could potentially accept dredged material and they have developed a matrix of potential sediment capacities and logistics (e.g. transportation and offloading constraints) so that they can track it by project. This information is ultimately going to be integrated into a GIS system.

- Brooke reported that the Bethel Island cost share agreement is moving forward internally at the USACE and will make its way to HQ with an expected timeframe of 4-6 weeks for final approval. The local sponsor signed the agreement, which is good news, and the USACE is now working to complete the hydrodynamic modeling in approximately January 2010 to inform project design efforts. This modeling is crucial to resolving the project design for the proposed cross-cut channel. Once the modeling is complete, they will determine whether they still need to conduct sediment geotechnical sampling activities and if necessary complete them during the 2010 summer environmental work windows for sampling in accordance with the 2004 geotechnical sampling BO.
- Tom emphasized to the group that the sampling restrictions have a tremendous impact on dredging projects because of the bottleneck they place on contracting and mobilization efforts and Roberta concurred that it is a key issue that needs to be addressed through a dialogue between project proponents and resource agencies.

UPDATE ON DILFS MEETING WITH DWR

- Brooke reported that the USACE met with DWR to coordinate on the DILFS project in September after a brief delay due to funding constraints. The USACE has sufficient funding this year to continue to make progress on DILFS. They updated the Project Management Plan (PMP) and have been meeting every two weeks with DWR to work through problem statements and move forward to project opportunities. The next steps will be to schedule public scoping meetings.
- Roberta asked whether the current meetings are open to the public and Brooke replied that they are not. Roberta explained that many Delta residents are not in agreement with the overall direction of the state of CA with regard to the Delta, and this is important to understand with regard to issues associated with levees. Roberta suggested that Delta residents are concerned that the overall policy positions are not in their best interest. Roberta cautioned that the people in the Delta need to be involved in the DILFS process and that the USACE needs to be careful of which entities they include as their partners. Roberta emphasized that if the perception is that the initial planning effort includes only the USACE and DWR, the end result will be one in which the important decisions have been made during the initial process and the public is left out. Roberta suggested that the USACE conduct the process on its own with DWR in the background rather than as a partner. Brooke explained that they are constrained in the ways they can conduct their process and that they are trying to engage the public as appropriate.

ACTION ITEMS

1. Michael Hoover will continue internal discussions regarding work windows for geotechnical sampling and report back at the next TWG meeting.
2. Brooke and Roberta will coordinate regarding public outreach and interagency communication for the DILFS project.

PERMITTING WORK GROUP AGENDA

EMERGENCY LEVEE REPAIR GENERAL ORDER

- Phil explained that the RWQCB wants to engage stakeholders like the Ports, USACE, and DWR to help them craft a GO that would pre-authorize the use of specific dredged material (e.g. designated stockpiled material) for emergency levee repair as needed. The criteria for use of the material would be set as part of the draft GO and vetted through public sessions and then would become part of the final GO. The concept would be that potential users of the material would contact potential sediment sources (like the Ports) and coordinate to designate pre-authorized sediment sources. The potential user would then submit a notice of suitability to the RWQCB for approval in advance of the projected need for the material. The material would then be available for emergency use without further process.
 - Tom stated that he thinks this is a potentially very useful tool.
 - Bill and Al asked what the existing agency processes are for dealing with emergencies and Michael explained that ESA requirements do not impede emergency actions and in general the regulatory agencies must make rapid decisions based on specific cases. There was general agreement that defining what qualifies as an emergency would be helpful for the GO.
 - Roberta asked for clarification on the process for use of the material and stated that she thinks the GO could be very useful. She also stated that approval for stockpiling and emergency use of large rocks would also be necessary for effective levee repairs.
 - Phil explained that he needs to get feedback from the group about how the material would potentially be used in levee repairs (e.g., on the landward side). He also stated that the RWQCB thinks it is important to allow public comment and review as the GO is developed.

- Christine summarized the general information needs that would be helpful to the RWQCB and suggested that she and Anchor QEA would work with Phil to draft a list of information needs and distribute it to the LTMS group.
- Roberta expressed concern that this GO not develop into a burdensome bureaucratic process and Phil and Victor explained that the material would already have been identified and characterized so this GO would result in a very streamlined process.
- Cory suggested that once the material is stockpiled, there would have to be some geotechnical characterization performed to ensure that the material is suitable for engineered uses on the levees.
- Christine suggested that construction contractors also be included in the process to ensure that the GO is structured so that it is useful for the parties conducting the emergency repairs.
- Roberta reported that there would have to be discussion about the roles of various agencies like DWR in levee repairs.
- Michael pointed out that the nature of the stockpiling of pre-approved sediment needs to be defined to avoid conflicts that would result if the sediment is perceived as creating habitat for sensitive species.

PROGRAMMATIC BIOLOGICAL ASSESSMENT TASKS

- Jack passed out copies of the Programmatic Biological Assessment Technical Work Group Overview and Direction document (PBA TWG). He provided both an overview of the rationale for and the key tasks previously identified in setting up the TWG. Jack noted that while information exists and is available specific to ESA-listed species existing in the Delta, it has not been consolidated into a usable form. A first effort of the PBA TWG would be to capture existing information in one single spot so that it can be used for the PBA.
- Michael reported that USFWS is planning to hire several biologists for completing consultations throughout the Delta (as well as the BDCP) and that ideally his staff member(s) could sit on the PBA TWG.
- Garwin reported that NMFS has two staff members that focus on all Delta consultations (not the BDCP) and that they will help where they can. In general, they support working proactively.
- Jack informed the group that he is seeking comments on the directive. If group members would prefer a word version of the document to add comments to, please request a copy from him.

- Jack walked the group through Table 1's contents. With regard to the geographic area column in the Biological Opinions section, Michael commented that there are riparian and upland habitat-related BOs that could also be useful to add to the table. In addition, he recommended that Anchor QEA look at CVPIA information (they receive \$50 million annually for research and restoration efforts) and that they should also coordinate with the Bureau of Reclamation because of their large role in the Delta.
- Garwin noted that on October 6, 2009, NMFS issued a Programmatic Recovery Plan for Central Valley salmonids. He also recommended including Essential Fish Habitat (EFH) in the table. Lastly, he noted that critical habitat for the southern distinct population of green sturgeon was listed as of November 9, 2009. In Table 1, the NMFS OCAP opinion, June 4, also includes EFH recommendations.
- Michael recommended that longfin smelt should be added to Table 2.
- Garwin recommended adding EFH species to the effort, changing the green sturgeon critical habitat to "designated", not "proposed", and removing the Southern resident killer whale from the fish section because they are mammals.
- Michael asked what the geographic definition of the Delta is for the purposes of the PBA TWG. The group discussed that defining the geographic scope of the PBA is something that will need to be resolved as part of the TWG's initial tasks.
- Christine summarized the pending updates to the Biological Opinion included as part of the EIS for the San Francisco Bay LTMS and discussed the benefits of having species and geographic area-specific tables for dredging in the Bay.
- Bill reported to the group that the fish tracking study being funded by the Bay LTMS includes tagging of both salmonids and green sturgeon. Christine noted that members of the Bay LTMS are currently evaluating the results of past years' studies.
- Jeff asked whether the Delta LTMS would consider fish tagging studies that extended further up the rivers (versus beginning at Rio Vista, where the current studies begin). Bill responded that if the Delta LTMS was able to receive more funding, such a study would certainly be something important and would be considered.

DRAFT DDRMT MOU

- Phil provided some history on the DDRMT MOU, noting that the first draft of the document was based on the version used for the S.F. Bay DMMO. At the onset, it underwent several rounds of review and editing. In April, at the request of the LTMS the RWQCB revised the draft to include the Water Board's comments, which had, to that point, not been incorporated into the MOU, and sent it back to the LTMS IWG for review and comment, but there was no response. The first comments on the draft

document were received just last week (over six months from the time the revised document was distributed).

- Christine noted that one of the reasons that the draft document is being reviewed and revised was that proponents of the DDRMT were uncertain of the best meeting process to follow, which could explain why people have been hesitant to comment on the document. She recommended that an Interagency Working Group (IWG) meeting be held to reach a resolution of the MOU (including SPK, who has not provided comments to date) in lieu of waiting on additional comments from LTMS members.
- Phil noted that in his opinion the comments just received from Brian at EPA were primarily editorial and easily incorporated. One of Brian's comments however was that the EPA should be included as a regulatory agency. Phil stated that if the EPA intends to participate in the DDRMT as a regulatory agency, then it would be helpful if the EPA would provide the specific details of their regulatory processes, guidelines and regulatory criteria as it pertains to dredging projects to reviewed by the DDRMT. Phil explained that Brian had commented that he saw the utility of the DDRMT in the coordination of future projects such as in-water and wetland creation projects which would require multiple agency regulation. Phil stated that the Regional Board's concern has been that implementing a DDRMT to address the possible future needs for such projects should not add unnecessary bureaucratic layers to the implementation of current projects reviewed by a DDRMT
- Roberta suggested that the group carefully consider evaluating the need for and potential benefits of the DDRMT as part of the broader LTMS mission.
- Phil discussed the situation that transpired in the review of the pilot project (the Stockton Sailing Club) SAP, where the SAP was discussed and comments addressed to the project applicant, but the LTMS did not provide any comments on the SAP to the Regional Board so that they could have been included in the Board's response to the applicant. The lack of communication and coordination among the DDRMT member agencies in addressing that pilot DDRMT project was evident at the September 2009, TWG meeting where the project was discussed. Bill noted that the DDRMT infrastructure was not prepared to accept a pilot project at that time, and that the discussion was a valuable learning experience.
- Jack asked whether the IWG meeting should occur in person or via teleconference, noting that that latter is easier to set up quickly. Bill suggested that an in-person meeting would be ideal and asked whether the USFWS, CDFG, and NMFS would prefer to be included in the meeting. Christine suggested that the IWG convene sometime in January in Sacramento.

ACTION ITEMS

1. Anchor QEA will coordinate with Phil to identify the RWQCB's emergency levee repair information needs and solicit responses from the group.
2. Anchor QEA will coordinate with the DDRMT member agencies to schedule an IWG meeting in January, 2010 in Sacramento to resolve outstanding issues in the draft DDRMT MOU.
3. Anchor QEA will transmit the revised draft DDRMT MOU to the IWG representatives for their review and comment and consolidate all comments in advance of the meeting.
4. Anchor QEA will coordinate review of the Programmatic Biological Assessment TWG Overview and Direction document and consolidate comments.
5. Anchor QEA will revise the sensitive draft species tables to incorporate the comments from this meeting and continue to coordinate with the resource agencies to facilitate their involvement in the Delta LTMS.