

DELTA LTMS IWG Teleconference

Tuesday, January 18, 2011

1:00 p.m. – 3:00 p.m.

MEETING NOTES

MEETING ATTENDEES

Christine Boudreau – Boudreau Associates

Phil Giovannini – CVRWQCB

Bill Brostoff – USACE SF District

Jack Malone – Anchor QEA

Steve Cappellino – Anchor QEA

Brian Ross – USEPA

Kate Dadey – USACE Sacramento District

INTRODUCTIONS AND ANNOUNCEMENTS

- Jack and Bill brought the call to order by explaining that the two proposed topics of discussion are the Revised Delta Dredging Reuse and Management Team (DDRMT) Operating Procedures and scheduling of the next Delta LTMS TWG meeting, potentially in coordination with the release of the Sacramento DWSC Draft EIS/R.

DDRMT OPERATING PROCEDURES

- Phil stated that he thinks the revised Operating Procedures (OP) are on the right track but there remain a few outstanding items to resolve, including what “agency participation” entails in terms of agency commitments and how the OP could be revised when needed.
- Brian suggested that we finalize the OP as much as we can at the staff level and then present them to the Delta LTMS Management Committee (MC) with a list of outstanding questions and issues to resolve and ask them to make decisions on how to proceed. Kate concurred with this approach and added that the MC is also responsible for the agency budgets, which would be a consideration with regard to agency commitment to the DDRMT.
- Bill asked for clarification regarding the IWG’s plan for addressing the permanence of the DDRMT and Phil explained that the DDRMT MOU was intended to be the agency

framework that remains unchanged while the OP are intended to address processes and roles that could be revised more easily as the DDRMT progresses. This approach would accommodate the changes that would likely occur as the DDRMT becomes active.

- The group decided to review the Revised OP individually and provide comments to Jack after the teleconference and focus our time today on the larger issues and outstanding questions from the Regional Water Quality Control Board (RWQCB) at the end of the OP.

RWQCB Questions 1, 2, and 3

- The first three questions dealt with the fact that the DDRMT member agencies are at times project proponents themselves and asked how the DDRMT would deal with these cases. An example was given that the USACE is the project proponent for their own dredging projects.
- Brian explained the approaches that the S.F. Bay DMMO and southern California DMMO take with regard to agency roles and concluded that it would make sense for the DDRMT member agencies to participate in the DDRMT, though other project proponents would not be obligated to go through the DDRMT. (The DMMO reviews all USACE dredging projects. The DMMO reviews some USACE dredging projects but some projects are handled through the Contaminated Sediments Task Force instead.) Phil explained that for existing agency projects there is no need to bring them to the DDRMT and Brian concurred that perhaps an approach would be to bring new agency projects or agency projects that are being changed through the DDRMT. Kate concurred that it would be good to keep the member agencies apprised of project developments to facilitate things like the sediment database.

RWQCB Question 4

- Question 4 asks what the procedure would be for the USACE's participation in the DDRMT when the project is not within the USACE's regulatory jurisdiction and how the USACE's jurisdictional determination process would fit within the DDRMT's framework.
- Kate said that there would likely be very few cases in which the USACE would decline jurisdiction on dredging projects. Phil explained that the Water Board's 401 group had seen cases in which the USACE had declined jurisdiction and Kate suggested that she and Phil follow up on this issue separately from this call to discuss the USACE's regulatory jurisdiction. Kate explained that she would be surprised if dredging projects

were proposed in waterways that were not within the USACE's Section 10 and 404 jurisdiction.

- Jack asked a general question of what role a particular agency would have in the DDRMT if it did not have jurisdiction over a particular project. Brian explained that the DMMO has enough projects coming through that at each DMMO meeting there is typically at least one project that is within the authority of each agency. Phil and Brian discussed the value of ensuring that all member agencies participate actively in the DDRMT, even if it is only in writing, to ensure that the project proponents realize some benefit from the DDRMT process.

RWQCB Questions 5 and 6

- Questions 5 and 6 sought clarification on the limits of jurisdiction for the DDRMT agencies and the process by which agencies would make jurisdictional determinations within the context of the DDRMT.
- Jack led a brief discussion of the language regarding agency roles and DDRMT procedures that is currently used in the OP and the consensus was that more detail should be added to the agency roles to establish the commitments required for different agencies acting in different roles within the DDRMT. For example, the OP should specify what the responsibilities will be when an agency has a direct regulatory authority over a project compared to when that agency is acting only in an advisory role on a particular project.

DELTA LTMS TWG MEETING SCHEDULING

- There was a general discussion about the potential timing of the release of the DEIS/R for the Sacramento DWSC project and how to coordinate the TWG meeting with the USACE's meetings. The group resolved to wait until Bill had received more concrete information about the release date and then attempt to coordinate a Delta LTMS TWG meeting with the DEIS/R meeting dates.