

DELTA LTMS TECHNICAL WORK GROUPS MEETING

Tuesday, July 20, 2010
10:00 a.m. – 1:00 p.m.

MEETING NOTES

MEETING ATTENDEES

Christine Boudreau – Boudreau Associates
Bill Brostoff – USACE SPN
Steve Cappellino – Anchor QEA (via phone)
Tricia Craig – Bay Planning Coalition
Phil Giovannini – CVRWQCB
Roberta Goulart – Contra Costa County
Dave Harrison – Operating Engineers
Local No. 3

Bonnie Hulkower – USACE SPN
Ellen Johnck – Bay Planning Coalition
Gilbert Labrie – DCC Engineering
Jack Malone – Anchor QEA
Brian Ross – USEPA
Tom Scheeler – Port of West Sacramento
Brooke Schlenker – USACE SPK

INTRODUCTIONS AND ANNOUNCEMENTS

- Brian stated that on August 3, 2010 there will be a presentation of the Programmatic EFH Consultation (Consultation) during the Bay LTMS Work Group meeting. The USACE and USEPA are the lead federal agencies for the Consultation and plan to respond to NMFS by August 16 with preliminary comments. The Bay LTMS is making the Consultation available to the public through the Work Group meeting and the S.F. DMMO website and is soliciting comments by late August. The Bay LTMS is setting a date in late August for their Management Committee meeting, at which point the USACE and USEPA comments on the Consultation would be finalized.
- Brian also explained that they expect to receive an ESA Programmatic Consultation in the next month or so, though that timeline may slip.

PERMITTING WORK GROUP

- Phil began a discussion of the General Orders that he has been developing. There is one for reuse of dredged material and one for medium-scale dredging projects.
- Phil provided a handout of draft language for the reuse GO for discussion. The handout described three classes of dredged material varying in concentrations of contaminants and potential uses. Each of the three classes of material would have numerical criteria for reuse.
 - Class I: Available for reuse in all applications including in-water
 - Class II: Available for reuse in applications with potential for runoff to surface waters
 - Class III: Available for reuse in applications where the material is capped or covered
- Phil explained that the concept of the reuse GO is that stockpiled sediment would be pre-authorized using these criteria and then the sediment users and providers wouldn't have to go back to the Water Board for analysis and approval of each episode in which they want to use the pre-authorized sediment.
- Phil explained that the USEPA has guidelines for criteria for sediment for uses like residential developments where humans are exposed to them for long periods. Brian said that they occasionally use those guidelines for applications like beach nourishment.
- Phil clarified that this reuse GO would not be only for emergency uses of stockpiled materials.
- Steve asked for clarification on the proposed uses of the GO as well as the proposed volume limitation and Phil explained that the volume limit of 800,000 cubic yards would apply for each discrete "pile" of stockpiled sediment. Each pile would require its own Notice of Applicability and there would not be a limit for the number of NOAs that could be submitted.
- There was a general discussion about how the sediment characterization would be designed and whether the characterization would have to be tailored to individual piles of sediment. Testing associated with approval of dredging would be useful, but Phil stated that it would still be necessary to conduct testing of the stockpiled sediment to confirm its characteristics.
- Brian suggested that testing the sediment prior to dredging would potentially allow the project proponent to stockpile the material in discrete areas without worrying about contaminating it, allowing more refined planning for reuse options for particular reaches of waterways. Gil suggested that from past experience we should have a pretty good

idea of which properties/constituents might change over time while sediment is stockpiled. Phil replied that the regulatory agencies need to be conservative in their approach to sediment characterization and reuse approval to ensure protection of the environment and human health. The language that Phil has in draft form now allows the stockpiled sediment testing data to be valid for 20 years.

- Tom expressed support for this approach and stated that he wants to see the other regulatory agencies and DWR get engaged in this process to make sure that it satisfies their requirements. Phil explained that the public would also be able to review the proposal and provide comments as part of the Water Board's draft GO process.
- Phil said that he envisions 3 general scenarios for the reuse GO:
 - Existing stockpiles of sediment from previous dredging projects
 - New work dredging to create stockpiles of sediment
 - Sediment that is dredged and placed in a specific location for a specific purpose
- Christine observed that this approach in general would be useful for all types of projects and the real question is to decide what testing scenarios would be required. Phil explained that the answer depends on whether the ultimate placement/use site is known in addition to the initial placement site. If both temporary and final site are known, the pre-dredge sediment characterization could potentially be designed to be sufficient for both sites.
- Phil said that he wants comments and suggestions to improve this rough draft. The group provided a few comments about potential analytes and including physical characteristics for reuse on levees.
- Amy asked how this would fit into the "Emergency Use GO" that had been discussed previously. Phil replied that this GO might supersede the Emergency Use GO. It may be that clarifying the definitions of the sediment classes could be fleshed out so that the sediment in these categories could be used for emergency purposes depending on the application. Roberta said that in an emergency flexibility would be very important. Phil said that perhaps the draft Emergency Use GO could be folded into this general reuse one and potentially a new category could be added to cover emergency uses.
- Ellen asked what criteria might be applicable for this reuse purpose and whether USEPA and Anchor QEA could provide comments on appropriate criteria. Phil explained that there are various existing criteria from agencies for different sediment applications, but it is important to develop criteria that are appropriate and useful for these proposed reuse applications. As an example, the copper criteria vary with water hardness, which makes it difficult to know what criterion to impose for dry, stockpiled material to be used at a different site.

- Dave observed that one important consideration is that available dredging and construction equipment will have limitations on how cost-effective it will be to transport material to specific sites.
- There was a general discussion of the best way to move forward in providing comments on this Draft Reuse GO and Brian suggested that it might be best to make this an agenda topic for the next Permitting TWG session.

NOTES ON MERCURY (HG) METHYLATION STUDIES

- Phil supplied a brief set of notes on Hg methylation studies for the group to review and explained that the focus on Hg has been on the standard O&M dredging and now the focus will be on the Deep Water Ship Channel (DWSC) project as the largest dredging effort in the Delta. The DWSC project will be handled differently by the Water Board (by the Board rather than Staff level) because that nature of the project is different. Because the process will be higher profile and will entail lots of public comment, the Board is unsure what concerns will be raised and Hg issues are certainly a potential issue.
- The Water Board is trying to examine the O&M dredging Hg issues and how they can be integrated with the DWSC projects. He pointed out that as a general trend, in the data collected from the O&M studies, the longer water is left on the dredged material to manage turbidity, the higher the methylation rate is. The notes Phil provided are a brief summary of the Water Board's interpretation of the status of Hg methylation issues.
- Phil said that they are having a teleconference this afternoon to discuss the Hg methylation issue. Brian observed that there are differences between the Bay and Delta in Hg methylation issues because the Delta has a TMDL for methyl Hg. Phil reported that they have been visiting dredging project sites to observe operations.

DDRMT

- Jack reported that he is working on the draft DDRMT Operating Procedures and will continue to incorporate the RWQCB's comments on them. Bill reported that the USACE has been working slowly to pursue the DDRMT and it may move up in priority with the new District Engineers (DEs) in the San Francisco and Sacramento Districts.

LTMS ACCOMPLISHMENTS AND GOALS

- Jack distributed a summary of accomplishments and goals to consider since the last Management Committee meeting in July 2009.

- Brian pointed out that with new DEs in both USACE Districts there will potentially be a lot of interest in learning about the LTMS and getting involved. Roberta suggested that the new DEs be briefed in a venue besides the Management Committee meeting, especially if there aren't lots of major milestones to consider. Brian said that there would be some major updates like the release of the Sacramento River DWSC Draft EIS/EIR and it might be valuable to brief the management in a different format or meeting in conjunction with a meeting for the DWSC project.
- Steve suggested that it might be beneficial to put together briefing packets for management and to consider the current LTMS status and accomplishments to plan a path forward. Brian suggested that at a minimum engaging the new DE's in the early period of the Sacramento River DWSC EIS/EIR comment period should be a priority. Bill reminded the group that he, Fari, and Al have already been briefing the new DEs on the LTMS and other Delta projects.
- Roberta suggested that we try to schedule a Management Committee meeting before the end of the year. October might be a good time to target for the meeting because the Sacramento River DWSC EIS/EIR would have been released by then.

BUDGET UPDATE

- Bill reported that there aren't any new budget developments and that there is still some internal discussion about combining the two LTMSs. He also reported that the USACE had recently engaged in a process to prioritize their Delta Projects for Division and HQ review, and the Delta LTMS was ranked quite high because it was described as a "capstone" project.
- Ellen reported that she has been in communication with Al regarding reprogramming of funds from the Bay LTMS to the Delta LTMS and will continue to work on the funding effort. Brian observed that there must be an effort to make it clear that the Bay LTMS and Delta LTMS are linked in important ways so that the Bay LTMS is not penalized in the future for reprogramming funds. Ellen explained that the Congressional staffs need to be informed about the importance of the link between the two LTMS projects to make sure that there is a champion for them in Congress. Roberta reported that Representative John Garamendi has been supportive and that she will continue to work closely with his office and in general to advocate for the Delta LTMS. She emphasized that the projects that have a broad constituency advocating for them are the ones that get funded in these times of tight budgets.
- Bill explained that the USACE is now committed at the Division level to regional sediment management, which is crucial to both the LTMS projects.

- Dave said that he and his group have a great relationship with Representative Garamendi and will be happy to lend their support to the Delta LTMS.

PROTOCOLS WORK GROUP

SACRAMENTO DWSC

- Bill explained that the USACE has been meeting with the USEPA and has been communicating with them about the sediment testing results. The USACE has hired a contractor to make revisions to the sediment report and will work to finish it in conjunction with the EIS/EIR.
- The salinity modeling report has been finalized and will also be part of the EIS/EIR and is available for public review.
- The sediment beneficial use report has been finalized and will be used for the EIS/EIR. Bonnie reported that they are still working out issues with the Stockton portion of the report and reviewing the potential placement sites before the report is finalized. Bill explained that the information that is needed for the Sacramento DWSC project is available and will be incorporated into the EIS/EIR and will be crucial for the alternatives analysis. The EIS/EIR will not be held up by the continued work on the Stockton part of the report.
- Bill reported that they have been working closely with the resource agencies. He expects the public release of the draft EIS/EIR to occur in 8-10 weeks, which would be approximately September 2010. The proposed start of dredging is summer 2011.
- Phil asked when they might have a WDR application prepared for the project and Bill replied that it would be after the release of the draft EIS/EIR. Phil said that he thought that timing would be too late and Bill replied that they will need to talk because they are still fine-tuning aspects of the project description. Phil cautioned that the Water Board's process can take a while with multiple drafts of their permit and Water Board meetings are generally scheduled only every two months. Phil explained that the application need not be fully complete for him to begin working on it and advised Bill that they should prepare the application soon.
- Brian asked whether the USACE has been coordinating with resource agencies on sensitive species and Bill replied that they have been doing so.
- Roberta asked for clarification about and a summary of the salinity modeling study. Tom explained that the study had examined the two DWSC projects separately and combined and that for the Sacramento project alone, there was very little change in

salinity intrusion. Bill explained that their results suggest that saltwater intrusion wouldn't be a big issue for the projects.

- Roberta reiterated that there are great public and agency concerns about any potential changes to salinity and said that as a result it should be handled very thoroughly. Roberta said that she is concerned that any potential salinity issues be resolved as soon as possible so that they don't pose problems in the EIS/EIR. Brian suggested that it is important to review the salinity report and contact the USACE directly to resolve any questions. Bill suggested that the interested parties, the Port of West Sacramento, the USACE, and the contractor working on the EIS/EIR should meet to discuss the salinity issues.
- Bill asked Brian for clarification on the USEPA's NEPA concerns with regard to the salinity modeling. Brian said that the USEPA is considering whether additional modeling scenarios will need to be run. There was a general discussion about the difficulties in making assumptions about future conditions including water use and potential regulations. Bill stated that the final version of the study did employ very conservative (i.e. worst case) assumptions.
- Bonnie said that they had been considering having a meeting to discuss fish issues as they relate to the modeling results and that perhaps Roberta would benefit from attending. Roberta suggested that the Sacramento DWSC project might not run into great difficulties with regard to salinity issues given its currently proposed timeline but Stockton might, as it follows Sacramento.
- Ellen explained that the Bay Planning Coalition (BPC) had regular meetings with the regulatory and resource agencies to discuss the EIS/EIR on the expansion of the ferry transportation system in the Bay. They were able to manage the effort by working together to address the comments received so that they were not inconsistent and there were no surprises.
- Christine asked about the status of the Biological Opinion for the project and how the resource agencies' evaluation process will work with the EIS/EIR project to avoid any last minute delays or issues. Bill explained that they have been meeting regularly with those agencies to coordinate.

STOCKTON DWSC

- Bonnie reported that the beneficial use report is being finalized and they will start vegetation mapping at potential placement sites and along the banks of the river. They are finishing the dissolved oxygen report by late September 2010 for a public release and they plan to complete the baseline conditions report by November 2010.

- Ellen explained that the BPC has taken on the task of advocating for the Stockton DWSC project in coordination with the Port of Stockton and is preparing a report on the project including the project description and potential benefits of the project. She anticipates a one page summary and a 12 page document will be the final format of the report. She said that she patterned the document after similar ones that have been prepared for other ports. Tricia explained that the report begins with a description of the project needs and continues with a discussion of the potential benefits. The document will be released to the LTMS and to the public once it is finalized.
- Bonnie offered to coordinate with Ellen and Tricia to provide project information to fill in gaps in the document. Ellen explained that they also want to “regionalize” the document to explain how the project is linked to other projects and initiatives in the Delta.

ALTERNATIVES DEVELOPMENT WORK GROUP

- Brooke reported that Bethel Island had its Federal Cost Share Agreement (FCSA) signed as of July 13, 2010. This agreement will now serve as a template for future projects and it is a large accomplishment. There are approximately 5 projects that could move forward in the near-term with the McCormack Williamson Tract likely to be the next one. The USACE is moving forward with modeling of the cross-cut channel through Frank’s Tract to determine whether it is feasible and will then move forward with design.
- Under the Emergency Response portion of the LSP, the USACE has signed an MOA with DWR to develop an Emergency Response Plan for the Delta identifying things like stockpiles of levee repair materials and evacuation routes using GIS tools. They will also compile existing plans from Counties and other entities so that they can be combined in Phase II of the Response Plan.
- They are working on developing a new 3-D hydrodynamic modeling to develop an operational model that could be used in the event of a disaster. Brian asked why they are not using the same modeling tools as were used for the DWSC projects. Brooke replied that they wanted to use an open source model so that it would be widely available for use internally and externally. Brian expressed concerns that the model might not be appropriate given the grave concerns expressed previously by numerous agencies and groups about the specific hydrodynamic models used in the Delta and the concern that all the modeling efforts should be consistent so that they can be compared across projects and efforts. Brian suggested that the USACE LSP ensure that the model

they proposed to use is appropriate and that it doesn't cause conflicts with other Delta modeling efforts.

- Brooke reported that the first phase of the model is under development currently and that it is planned to be used for the entire LSP. There was a general discussion that it would be beneficial for Delta stakeholders to be engaged by the LSP to discuss the model proposed for use by the LSP to avoid potential conflicts. Brooke stated that the model development is not yet advanced enough to have a workshop discussion and Brian replied that having a discussion about why it is appropriate to even develop a new model for this purpose would be helpful.
- Roberta asked whether the Delta Risk Management Study (DRMS) process informed the LSP's decision because there was a lot of discussion and controversy about the modeling in the DRMS. Amy stated that she didn't think it would be good to use the DRMS model because its assumptions are not appropriate. Brooke said that the DRMS model didn't influence the LSP's model decision and that the USACE engineers had determined that there wasn't an existing model that would satisfy their needs.

DELTA STUDY

- Brooke reported that the Delta Study began as a means for the USACE to participate in the DRMS. They have been meeting with the DWR to examine the basic problems in the Delta and consider conceptual solutions. They are focusing on flood risk management and ecosystem restoration. They will have an agency coordination meeting on July 26, 2010 to solicit input on their initial approaches. The next phase of the effort will be to revise the Project Management Plan to describe in more detail the project components.
- Brian asked what the ultimate endpoint of this program would be and Brooke explained that the Delta Study would result in recommendations for projects in the form of a Feasibility Study.
- Ellen and Roberta expressed support for the effort as long as the effort accomplishes the goals of the local stakeholders in addition to the federal and state goals. Ellen and Roberta also want to link the navigation projects with these types of programs so that they all work together.

DELTA ISLANDS BACKGROUND CONDITIONS STUDY

- Amy reported that Jersey Island is still tentatively interested in participating. Gil explained that the budget cycles and delays from the State to get funds to the Districts are critical in holding up the study because there are fundamental cash flow problems for the Districts to participate in the study.

ACTION ITEMS

1. The group will provide comments to Phil on the draft language for the proposed sediment reuse GO in advance of the next TWG meeting and will remind the group several times to provide comments to Phil by August 27, 2010.
2. Anchor QEA will distribute the draft reuse language with the TWG meeting notes.
3. Anchor QEA will provide a link on the Delta LTMS website to the online Bay LTMS calendar
4. Anchor QEA will work with Phil on the draft sediment reuse GO for continued discussion at the September TWG meeting.
5. Anchor QEA will coordinate distribution of the salinity modeling report to the group.
6. Bill will work with Phil to complete the JPA for the Sacramento DWSC project and Phil will send the final version of the JPA to him to use.
7. Anchor QEA will provide the most recent version of the DDRMT Operating Procedures to Bill.