

**NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE**  
**Meeting Minutes**

**Date and Location:** February 17, 2010 – 1:35 p.m. – 4:45 p.m.  
Boardroom of the Irvine Ranch Water District  
15600 Sand Canyon Avenue  
Irvine, CA 92618-3102

**Participants:** John M. W. Moorlach, Board of Supervisors and Committee Chair  
Christina Shea, City of Irvine  
Joseph Edwards, The Irvine Company  
Peer Swan, Irvine Ranch Water District  
Kathryn McCullough, City of Lake Forest  
Nancy Gardner, City of Newport Beach  
Fred Ameri, Santa Ana Regional Water Quality Control Board  
John Nielsen, City of Tustin

**Committee Staff:** Mary Anne Skorpanich, County of Orange  
Marilyn Thoms, County of Orange  
Chris Crompton, County of Orange  
Amanda Carr, County of Orange  
Kari Schumaker, County of Orange  
J.T. Yean, County of Orange  
Betty Ruano, County of Orange

**Attendees:** Blake Anderson, Newport Bay Naturalist and Friends  
Dennis Baker, Newport Bay Naturalists and Friends  
Patrick Bauer, City of Costa Mesa  
William Bretz, UC Natural Reserve System  
Garry Brown, Orange County Coastkeeper  
Wanda Cross, Santa Ana Regional Water Quality Control Board  
Gene Estrada, City of Orange  
Rick Francis, Chief of Staff to Supervisor Moorlach  
Darren Haver, UC Cooperative Extension  
Irwin Haydock, Fountain Valley Resident  
Phil Jones, County of Orange/Flood Control District  
Paul Jones, Irvine Ranch Water District  
Jack Keating, Newport Bay Naturalists and Friends  
Nardy Khan, County of Orange/Project Management Division  
Dean Kirk, The Irvine Company  
Mike Loving, City of Irvine  
Roger Mallett, Newport Bay Naturalist and Friends  
Lyndine McAfee, Nature Reserve of Orange County  
Larry McKenney, RBF Consulting  
Joe Parco, City of Santa Ana  
Terri Reeder, Santa Ana Regional Water Quality Control Board  
Danielle Richards, County of Orange  
Doug Shibberu, Santa Ana Regional Water Quality Control Board

Doug Stack, City of Tustin  
 Sat Tamaribuchi Consultant, The Irvine Company  
 Mark Tetterer, Irvine Ranch Water District  
 Gerry Thibeault, Santa Ana Regional Water Quality Control Board  
 Alex Waite, City of Tustin  
 David Webb, City of Newport Beach  
 Marsha Westropp, OCWD  
 Robert Woodings, City of Lake Forest

**Agenda Item 1 – Welcome & Introductions**

The meeting was called to order by Supervisor Moorlach at 1:35 p.m.; Supervisor Moorlach introduced Councilwoman Christina Shea from the City of Irvine and welcomed her as a new member of the Committee. This announcement was followed by self-introductions.

**Agenda Item 2 – Minutes from December 2, 2009 meeting**

The minutes of the December 2<sup>nd</sup> meeting were presented to the Executive Committee.

*Motion: Approve minutes for December 2<sup>nd</sup>*  
*First/Second: Ms. McCullough/Mr. Nielsen*  
*Abstained: Mr. Swan, Ms. Shea*  
*Outcome: Approved*

**Agenda Item 3 – Cooperative Agreement, Fourth Amendment**

Ms. Skorpanich reported that the Cities of Costa Mesa and Santa Ana are moving forward to present the Cooperative Agreement to their City Councils for approval in March 2010. If approved by the next scheduled meeting there will be two new members joining the Newport Bay Watershed Executive Committee.

**Agenda Item 4 – Sediment TMDL Implementation Agreements**

**4a-Background on Basins:** Mr. Crompton provided background information on the sediment control program. Mr. Crompton then described the two agreements underpinning cooperative sediment control actions in the watershed. The first is Implementation Agreement D98-034 approved in October 1998 between the County, Orange County Flood Control District, the cities of Irvine, Lake Forest, Newport Beach and Tustin, and the Irvine Company to conduct monitoring required by the Sediment TMDL regulations and to provide funding for one of the three sediment-trapping basins in San Diego Creek (In-Channel Basin 1). The second is Implementation Agreement D98-035 between the Orange County Flood Control District and IRWD for IRWD to perform maintenance on the two remaining sediment trapping basins in San Diego Creek (In-Channel Basins 2 and 3) and to allow additional sediment removal from In-Channel Basin 1. Agreement D98-035 was terminated by IRWD effective June 2009.

**4b-Removal Action by Irvine Ranch Water District:** Mr. Jones presented IRWD’s history with the in-channel basins beginning with an overview of the agreement signed with the Orange County Flood Control District in 1998. He presented details on the process used for maintaining the in-channel basins, quantities of sediment and selenium removed, and the associated costs. Mr. Jones concluded his presentation with an expected future cost for the maintenance based on IRWD’s experience.

Assumed Sediment to Be Removed (c.y./year)	20,000
Assumed Cost per Cubic Yard	\$30/c.y.
Est. Cost for Sediment Removal & Disposal	\$600,000/year
Estimated Cost for Project Admin./Support	\$100,000/year
Estimated Cost for Project Admin./Support	\$100,000/year

**4c-Next Steps for Future Clean Out:** Ms. Skorpanich recognized a need to revise Implementation Agreement D98-034 and identified the following issues for consideration in such an amendment: (1) providing funding for all three sediment-trapping basins in San Diego Creek, (2) consideration of addressing other sediment source “hot spots” such as Borrego Wash and Serrano Creek, and (3) adding additional parties to the agreement. She then asked for some policy guidance from the Executive Committee to make the necessary agreement modifications in order to move forward.

The Executive Committee discussed potential funding issues and source control options and requested cost projections for the next meeting.

**Agenda Item 5 – Selenium Program Status and Steps to Develop a Revised TMDL Funding Agreement**

Mr. Crompton provided a brief presentation on activities in the selenium program since the last meeting. Ms. Skorpanich noted that the current agreement (D99-128) will expire in June 2010 and that a new agreement will have to be executed in order to maintain compliance in this area. Ms. Skorpanich identified the following key issues to be resolved in extending the agreement: (1) funding formula – the County has proposed continuation of the existing formula revised to offset two withdrawing parties and a reduced share for Caltrans, (2) term – the County has proposed 5 years, (3) providing more cost certainty over the agreement term, and (4) identifying alternative funding sources.

Following the presentation, the Executive Committee conducted an extensive discussion of the issues and requested that before the next meeting a budget plan be provided to each member so that they can present to their corresponding entities in order to receive approval and go forth with the execution of this agreement.

**Agenda Item 6 – Information Items**

Due to time constraints the following items were briefly discussed.

**6a – Serrano Creek Restoration, Borrego Wash Study and Upper Newport Bay Ecosystem Restoration Project:** Ms. Thoms introduced the newest member of the OC Public Works/Watersheds Program, J.T. Yean. Dr. Yean is a sediment and hydrology expert, has worked in Orange County for more than 25 years and is very familiar with Serrano Creek. Dr. Yean will be the Civil Engineer for the Serrano Creek Ecosystem Restoration project, Borrego Wash Study, and the Upper Newport Bay Ecosystem Restoration Project.

Ms. Thoms also shared that the technical report for the Borrego Wash Study will be completed in about two weeks and that she would have further updates to report at the next scheduled meeting.

**6b – TMDL Update:** Ms. Skorpanich referred the Committee to the written report that was in the agenda packets and some highlights were briefly discussed.

**6c – Executive Action Plan:** Supervisor Moorlach suggested that this agenda item be continued to the next meeting date in order to present a more complete and updated Plan.

**6d – San Diego Creek EIR Update:** Ms. Khan with the County of Orange/Project Management Division provided a brief update on the Draft Environmental Impact Report (EIR) that her division prepared for the Long-term Operations and Maintenance Plan for San Diego Creek. The operations included in the scope of the EIR only involve maintenance; no alterations will be made to the creek. The Draft EIR was circulated for public review from October 19<sup>th</sup> through December 3<sup>rd</sup>, 2009 and staff have responded to the comments received. The Planning Commission is scheduled to adopt the EIR at its meeting in March, 2010.

#### **Agenda Item 7 – Next meeting date**

April 21, 2010 1:30 p.m.

#### **Agenda Item 8 – Executive Committee member comments**

Mr. Edwards from The Irvine Company announced that this would be his last meeting. Mr. Sat Tamaribuchi will be his replacement on the Executive Committee and Dean Kirk would continue to be the alternate The Irvine Company.

Mr. Swan shared that the trash boom was installed in time but unfortunately was not very successful. He suggested that the next time the boom be set up at a different location to ensure that enough trash is being collected before it heads out to the bay.

#### **Agenda Item 9– Public Comments**

Irwin Haydock mentioned that if anyone needed more information on the Bay that Professor Peter Bowler from UCI would be a great resource.

#### **Agenda Item 10 – Adjournment**

The meeting was adjourned at 4:45 p.m.