

NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE
Meeting Minutes

Date and Location: February 20, 2008 – 2:31 p.m. - 4:05 p.m.

Participants: Hon. John Moorlach, Chair, County of Orange, Second District
Hon. Nancy Gardner, City of Newport Beach
Mr. John Withers, Santa Ana Regional Water Quality Control Board
Mr. Bob Woodings, City of Lake Forest (for Hon. Kathryn McCullough)
Mr. Mike Loving, City of Irvine (for Hon. Steven Choi)
Mr. Peer Swan, Irvine Ranch Water District
Mr. Sat Tamaribuchi, The Irvine Company
Hon. Jim Palmer, City of Tustin
Ms. Erinn Wilson, Department of Fish and Game (for Ed Pert)

Committee Staff Ms. Mary Anne Skorpanich, County of Orange
Chris Crompton, County of Orange

Attendees: Wanda Cross, SARWQCB
Nancy Heller, Dudek
Jack Skinner, SPON
Joe Parco, City of Santa Ana
Denise Weaver, County of Orange
Bill Wittenbeck, Dudek
Wesley Salter, RBF Consulting
Jack Keating, Newport Bay Naturalists and Friends
Krista Slonienski, Connective Issue
Allan Beek, OC Resident
Phil Jones, County of Orange
Patrick Bauer, City of Costa Mesa
Zuda Stouffer, OC Resident
Dave Kiff, City of Newport Beach
Alex Waite, City of Tustin
Larry McKenney, RBF Consulting
Tim Serlet, City of Tustin
Dennis Baker, Newport Bay Naturalists and Friends
Garry Brown, OC Coastkeeper
Mark McKeehan, MRM
Bob Woodings, City of Lake Forest
Marsha Westropp, Orange County Water District
Irwin Haydock, OC Resident
Carolyn Shaffer, County of Orange
Amanda Carr, County of Orange
Jamie Habben, County of Orange

Agenda Item 1 – Introductions

The meeting was called to order by the Executive Committee Chair, Supervisor John Moorlach, at 2:31 p.m. Supervisor Moorlach introduced himself and requested that each Executive Committee member introduce themselves.

Agenda Item 2 – Minutes of the November 7, 2007 Meeting

The minutes of the November 7, 2007 meeting were presented to the Executive Committee.

Motion: Approve minutes
First/Second: Councilwoman Gardner / Mr. Swan
Abstained: None
Outcome: Approved

Agenda Item 3 – Report on the Status of Upper Newport Bay Ecosystem Restoration Project and federal funding

Ms. Susan Brodeur, County of Orange, Watershed and Coastal Resources Division, provided an overview of the project to address sedimentation issues in the Bay and a summary of project progress and the current status. She described the project objectives as: Management of sediment deposition in the Bay; reduction of the frequency of dredging maintenance by deepening the basin; improving and restoring estuarine habitat areas; and, improving public use and access, and educational and recreational opportunities. The project is being carried out with hydraulic and clamshell dredges with disposal at the LA-3 offshore disposal site.

Ms. Brodeur summarized the two phases of the project. Phase 1, construction is expected to be completed in April 2008. Phase 2, will involve dredging an additional million cubic yards in unit I/III, wetland restoration, removal of Skimmer Island, scour protection, education kiosks, and monitoring.

Ms. Brodeur stated that \$12.3 million is needed to finish the project. The approaches being taken to secure continued funding include: Appropriation requests for 2009 submitted to Congress; reprogramming requests to the Corps for 2008 funding; Corps Los Angeles District visits to Washington to meet Congressional members; Supervisor Pat Bates visit to Washington to meet Congressional members; petition from 5000 residents to Newport Beach City Council; submittal of project for Proposition 50 funding; evaluation of funding from the California Coastal Conservancy; and, evaluation of funding from the Wildlife Conservation Board.

Ms. Mary Anne Skorpanich, County of Orange, Watershed and Coastal Resources Division added that the Wildlife Conservation Board has money for acquisitions and restorations and is a good fit for the project. She introduced Brian Moore, Corps of Engineers to further describe the meetings in Washington.

Mr. Brian Moore, Los Angeles District of US Army Corp. of Engineers, reported on the Corps' Washington meetings with the Congressional delegation. He stated all are supportive and

enthusiastic of the project, but there are no funds proposed for 2009 and that there are “earmark” issues. The project is looking at \$10 to \$11 million dollars for fiscal year 2009 which will be heavy-lifting. The current contract ends in April 2008 and he hoped to extend that until June, with resources being investigated now.

Ms. Skorpanich asked about the rules if the locals can come up with additional funds with repayment by the Corps.

Mr. Moore replied that additional money beyond the approved match would require more approval. He thought it was unlikely that credit would be given for future repayment.

Supervisor Moorlach noted that Congressman Royce had sent a letter to the Corps.

Mr. Peer Swan asked about the amount of money remaining.

Ms. Skorpanich replied that approximately \$4.5 million in remaining funds is still available including \$1.5 million in local match and \$400K in carry forward.

Councilwoman Gardner asked about the extra cost in the new bid from the contractor.

Ms. Skorpanich responded that the contractor price was quite high; The Corps is negotiating with the contractor in an effort to keep project going with available money.

Councilwoman Gardner expressed an interest in the idea of fronting the money with subsequent payback of the stakeholders. She asked if there is any reaction from California Coastal Conservancy to providing extra funding.

Ms. Skorpanich noted that she had a meeting with regional manager of the California Department of Fish and Game and would be pursuing State funding options with the Coastal Conservancy and the Wildlife Conservation Board.

Motion: Receive and File

First/Second: Mr. Swan / Councilman Palmer

Abstain: None

Outcome: Approved

Agenda Item 4 – Report on changes to Executive Committee structure and role

Ms. Skorpanich provided an overview of potential changes to the structure and role of the Executive Committee, and described the prior actions of the Newport Bay Watershed Executive Committee on November 7, 2007. These included: 1) expanding the purpose (formally) to include all Total Maximum Daily Load (TMDL) studies, work plans, and implementation projects within the watershed, including the Nitrogen and Selenium Management Program and future trading, offset and mitigation programs; 2) expanding the purpose to include coordination on opportunities to seek state and federal funding; 3) expanding the purpose to include oversight of the Central Orange County Integrated Regional Water Management Plan (includes the

Newport Bay and Newport Coastal Streams watersheds); and, 4) approving inviting the Cities of Santa Ana and Costa Mesa to join the Newport Bay Watershed Executive Committee.

The Subcommittee met on January 9, 2008 and recommended additional clarifications on the approach including: 1) working to revamp and prepare 3rd Amendment to Agreement D99-026 to restate agreement in its entirety to clarify 25 year old agreement and its amendments; 2) amending the agreement to add a vice chair position; 3) expanding the purpose and geographic area consistent with Executive Committee actions of November 7, 2007; 4) not including funding of the Executive Committee; 5) developing an outreach approach to the cities of Costa Mesa and Santa Ana, by focusing on City managers, including presentations to the City Managers Association, brief presentations to city councils in the public comment part of the agenda and preparing maps showing projects within City boundaries; and, 6) developing a strategic plan with a 1 to 3 year plan window to include funding needs and identification of federal funding opportunities.

Mr. Woodings asked for the time frame for revising the agreement.

Ms. Skorpanich anticipated that it could be completed in March.

Supervisor Moorlach asked for clarification on the authority of the Committee and potential LAFCO issues. He noted that some water agencies were not participating

Ms. Skorpanich provided a brief history of the Committee noting that it is underpinned by a cooperative agreement and started out to address water quality issues in Newport Bay Watershed.

Motion: Direct staff to implement recommended approach
First/Second: Mr. Swan / Councilman Palmer
Outcome: Approved unanimously

Agenda Item 5a - Status of Foothill Retarding Basin Capacities

Ms. Jamie Habben, County of Orange, Watershed and Coastal Resources Division, provided an update on the status of the foothill retarding basin capacities. She presented data from the November 2007 Basin Capacities Report which was submitted to the Santa Ana Regional Board under the Sediment TMDL and Monitoring Reporting Program requirements. The requirements state that all basins shall have at least 50% available capacity prior to November 15 of each year. Data showed that all basins prior to November 15 had at least 50% total available basin capacity.

She stated that in response to the Santiago Fire, which comprised approximately 15% of the watershed, primarily in the foothills, the County of Orange, Public Works Operations and Maintenance Division, had removed sediment from Round Canyon, Hicks Canyon, and East Hicks Canyon Retarding Basins in order to restore full sediment storage capacity in advance of the wet season. Agua Chinon Retarding Basin, which had zero sediment storage capacity previously, was currently undergoing removal activities with 16,300 cubic yards removed as of

January 31, 2008. . It was noted that sediment removal activities in Agua Chinon would continue until the permit end date and that surveys would likely be requested to determine basin available capacities after the wet season concluded and verification of 50% available capacity. Current and post-fire photos were provided for each basin

Mr. Woodings asked for clarification on how much of the burn area goes into Borrego Canyon Wash and Serrano Creek and followed up by suggesting that a desilting basin be considered.

Ms. Habben did not have access at the meeting to data on the percentage of the burn area tributary to these creeks.

Agenda Item 5b – Prop 50 Integrated Regional Water Management Status

Ms. Carolyn Schaffer, County of Orange, Watershed and Coastal Resources Division, provided an update on the status of the Central Orange County Integrated Regional and Coastal Watershed Management Plan (IRCWMP). A grant application requesting \$9,970,100 through Proposition 50, Chapter 8 funding was submitted on January 28, 2008. The application includes seven high priority projects (Newport Coast runoff reduction, Serrano Creek stabilization project, ASBS protection program, Buck Gully, IRWD Natural Treatment System sites, Upper Newport Bay restoration, and Nitrogen and Selenium Management Program project). The State received nine proposals, with total available funding of approximately \$51.8 million. Grant award recommendations are anticipated in April/May, with grant awards in July 2008.

Agenda Item 5c – Update on Serrano Creek Restoration and Borrego Wash Study

Ms. Schaffer provided an update on the long-term Serrano Creek Restoration project. A meeting between the parties to the Memorandum of Understanding (MOU) was held in January 2008 to discuss prioritization of the restoration areas. One goal of the restoration project is to build improvements in accordance with Orange County Flood Control District standards. The fluvial study is being finalized and will be distributed to the MOU parties in the next month.

The next step will be to complete the preliminary engineering studies, including a hydrology study. Grant funding will be required. The Prop 50 application included a request for \$2.75 million in funding to stabilize the channel from Citrus HOA through Autumnwood. The estimated cost for the project is \$12.2 million.

Mr. Woodings noted that work on Serrano Creek had been a long time coming and reiterated that a sediment basin be considered for Borrego Wash/Serrano Creek.

Ms. Wilson asked for clarification on the previous work that had been conducted.

Agenda Item 5d. Update on the Newport Bay fecal coliform study

Amanda Carr, County of Orange, Watershed and Coastal Resources Division, presented an overview of the Newport Bay Fecal Coliform TMDL Source Management Plan Prop.13 grant project. The project was designed to fulfill TMDL requirement to identify and characterize fecal

coliform inputs to Newport Bay from urban runoff, including stormwater and to identify and characterize fecal coliform inputs to Newport Bay from natural sources. The grant agreement with the State Water Resources Control Board was signed in March of 2005 and included two main tasks:

- Task 1 was to identify and quantify the contribution of urban and natural sources of fecal indicator bacterial (FIB) impairment in Newport Bay. This task included the following 4 sub-tasks: Task 1.1 to conduct loading studies of urban and natural sources of fecal pollution in and around the perimeter of the Upper Bay; Task 1.2 to assess the potential fecal indicator bacteria of urban sources to Lower Bay from subsurface sewage leaks, pump-out stations, docks and wharves, wash-down activities, and storm drains; Task 1.3 to characterize the rate and magnitude of natural sources and within-Bay processes that affect the concentration of fecal indicator bacteria in the Bay water column; and Task 1.4 to conduct advanced source tracking methods to assess the likely origin of fecal indicator bacteria in the Bay. This task conducted by Dr. Stanley Grant of the University of California Irvine, Chemical Engineering and Materials Science Department, utilizing \$745,000 of grant funds. The final technical report is currently under development. Eleven of thirteen chapters have been submitted for review by the Newport Bay Fecal Coliform Technical Advisory Committee.
- Task 2 is to evaluate and prioritize sources of fecal indicator bacteria, evaluate existing Best Management Practices, and prepare a Fecal Coliform TMDL Source Management Plan. The County is scheduled to award the contract for Task 2 on February 26, 2008.

The final grant report, including the technical report from Task 1 and the Source Management Plan from Task 2 is due by March 31, 2009.

Councilwoman Gardner asked for clarification on how Technical Advisory Committee (TAC) works and who accepts the final report.

In response, it was noted that the Santa Ana Regional Board assembled the TAC and manages it. The Regional Board also receives the final report at the end of the grant study.

Mr. Swan noted the inherent conflicts between efforts to attract more birds in the watershed and efforts to reduce fecal coliform.

Agenda Item 6 – 2008 Meeting Dates

Meetings for 2008 were scheduled as follows: 3:00 p.m. on May 21, 2008, August 20, 2008, and November 19, 2008.

Agenda Item 7 – Executive Committee Member Comments

Mr. Mike Loving thanked county staff for providing information requested.

Supervisor Moorlach thanked Brian Moore for attending.

Agenda Item 8 – Management Integration Strategies

Mr. Irwin Haydock, Fountain Valley resident and member of the Newport Bay Naturalists, made a presentation on management integration strategies. He noted the “Pines to Palms” approach and was hopeful that a Watershed Management Plan can be developed. He presented a model that was created by the Corp of Engineers to manage watersheds, not just for Newport Bay Watershed, but for all watersheds.

Agenda Item 9 – Public Comments and General Comments

Mr. Alan Beek, reporting that the water table has risen 3 feet, and that there is a problem with too much water along the west side of the Bay. There are streams appearing in the coastal bluffs. He does not know what kind of problem this will cause. He suggested wells to pump the water to where it is supposed to be.

Agenda Item 9 – Adjourn

The meeting was adjourned at 4:05 p.m.

Minutes approved as final by the Newport Bay Watershed Executive Committee – May 21, 2008