

**FINAL
Meeting Summary**

**Santa Margarita River (SMR) and Estuary
Nutrient Water Quality Objectives Project
Watershed Stakeholders Meeting
Thursday, February 23, 2012
10:00am – 2:00pm**

Location:

San Luis Rey Water Reclamation Facility
3950 N. River Road
Oceanside, CA

Introduction:

Attendee List:

Name	Organization	E-mail
Sheri McPherson	County of San Diego	sheri.mcpherson@sdcounty.ca.gov
Michael Welch	Consultant w/ San Diego County	mwelch1@san.rr.com
Jo Ann Weber	County of San Diego	joann.weber@sdcounty.ca.gov
Jeff Marchand	Fallbrook PUD	jeff@fpud.com
Jack Bebec	Fallbrook PUD	jackb@fpud.com
Mark Bonsavage	USMC Camp Pendleton	mark.bonsavage.usmc.mil
Con Kontaxis	Caltrans	Constantine_kontaxis@dot.ca.gov
Ashli Desai	Larry Walker & Associates	ashlid@lwa.com
Greg Krzys	U.S. Bureau of Reclamation	gkrzys@usbr.gov
Cynthia Gorham	RWQCB	cgorham@waterboards.ca.gov
Jason Uhley	RCFC&WCD	juhley@rcflood.org
Rich Williamson	RCWD	williamsonr@ranchowater.com
Rachel Davenport	AMEC Environment & Infrastructure, Inc.	rachel.davenport@amec.com
Dave Ceppos	Center for Collaborative Policy, California State University Sacramento	dceppos@ccp.csus.edu
Via Telephone: Scott Thomas	Stetson Engineers	scott@stetsonengineers.com

Meeting Materials:

- Meeting Agenda
- Proposition 84 Phase 1 Overview
- Draft SMR Stakeholder Group letter to RWQCB
- Draft Nutrient Site-Specific Objectives (SSO) and Total Maximum Daily Load (TMDL) Workplan
- Draft SMR Administrative Procedures document(s)

Meeting Goals:

- 1) Receive update about technical team activities
- 2) Receive update on Proposition 84 Grant
- 3) Receive update on January 25 Meeting action items
- 4) Discuss group operating rules/structure/governance

Action Items:

1. Completed Letter of intent to Regional Water Quality Control Board (RWQCB), including appropriate time and effort allocations of a RWQCB staff member (Cynthia and Jo Ann), completion of attachments to the letter and an insertion of a table for meetings and key decisions that the RWQCB's input is necessary for (Technical Committee).
 - a. The table will be prepared for the March meeting and populated during the March meeting
 - b. Stakeholders should begin thinking about who should be signatories on behalf of the group – Dave will follow up about a week prior to the March meeting
 - c. Technical Committee to develop a flow chart and outline for the workplan for inclusion with the letter
2. Technical group to provide a draft presentation on estuary modeling during the March 29, 2012 meeting.
3. Stakeholders to review and propose other stakeholders who may want/need involvement, conduct a cost benefit analysis of other stakeholder involvement, and begin proactive communication with them
4. Begin the development of Memorandum of Understandings (MOU) – Jo Ann, Jason, Mark, and Sheri will pull a template together, coordinated by Jason.
5. Charter Revision – Dave will include findings and recommendations in the charter to clarify purpose/goals
 - a. Jason will send Dave the Axioms from the Stormwater Standards Task Force (Santa Ana Region) and the contacts for the cities of Riverside County (Cities of Temecula, Murrieta, etc.)
 - b. Charter will include a chair or co-chairs, may include the process of working with the RWQCB, and inclusion of other written comments received
6. Dave will send Scott the meeting materials if Scott has not received them

Review and Group Approval of January 25 Meeting Summary

Dave Ceppos (Facilitator, Center for Collaborative Policy) conducted a review of the prior meeting summary, from January 25, 2012, and inquired of the group whether anyone had changes. No changes or comments were voiced and the January 25, 2012 meeting summary was finalized. Dave will send the meeting materials to Scott Thomas, if he has not received them.

Update of Proposition 84 Progress – Phase I

Jo Ann Weber (County of San Diego) provided an update and PowerPoint presentation of Proposition 84 progress. The California Department of Water Resources (DWR) requested that the scope of work for the Proposition 84 funding be split into two: one for the upper Santa Margarita and one for the San Diego Integrated Regional Water Management (IRWM) Plans. Breaking the grant into two scopes, affects grant administration and funding but will not affect project function. Changes in the DWR Scope of work include the following:

- The number of stakeholder meetings has increased from ten to fifteen,

- The deadline of the draft workplan has been pushed back from September 1, 2012 to December 1, 2012, and
- Technical Studies Report in support of Phase II are due October 1, 2016.

Three tasks are included under Phase I of the project: 4A, 4B, and 4C.

Task 4A: Form and Facilitate a Stakeholder Advisory Group

This task is in progress and includes the current stakeholder meetings, including the present one, for a total of fifteen meetings, costing around \$160k. The group is currently identifying key study questions, outlining the conceptual approach, evaluating existing data, identifying data gaps, and determining specific technical activities and required information.

Task 4B: Monitoring and Special Studies Report

Tributary monitoring is anticipated to be covered by DWR using grant funds. Matching funds have been provided by the stakeholders for the estuary modeling, so the stakeholder match has essentially been met. However, confirmation with DWR is necessary to confirm that they will accept the match as sufficient.

The Draft Monitoring Plan, Quality Assurance Project Plan, and Project Assessment and Evaluation Plan are due November 30, 2012. Execution of the contract with DWR is expected this spring. Technical studies are due October 1, 2016, but will hopefully be complete prior to the deadline. Additional studies in the Santa Margarita River will be conducted using \$275k of grant funds. This will support at least initial Phase II efforts.

Task 4C: Proposed Nutrient Water Quality Objectives for Santa Margarita River Estuary Report

No changes have been submitted to DWR for Task 4C. Allocation of grant funding is \$70k, half of which has been allocated to support Regional Board staff reporting in support of the Site Specific Objectives, as they see appropriate, for the estuary TMDL. Estuarine modeling is being paid for by USMC Camp Pendleton.

Phase II Update

A request for proposals for work to be conducted under Phase II of the Prop 84 Grant is anticipated in 2013. This has been delayed in the past, so to avoid potential complications; a conceptual proposal is currently scoped in the grant focusing on the river, on SSOs in particular. Additional monitoring and special studies will be conducted to address data gaps identified by the stakeholders and to develop proposed nutrient WQOs for the Santa Margarita River based on the NNE approach, and using local data. This portion of Phase II is anticipated to cost around \$1 million, though actual cost may be lower. The County of San Diego is currently waiting for clarification from DWR as to whether the proposal will be submitted under the IRWM. Riverside is updating their IRWM as well; the update is anticipated to begin in May, 2012. The San Diego IRWM has started their update and a public draft is expected out during winter to spring of 2013. The San Diego IRWM and DWR have been discussing a two phase application process and the San Diego IRWM is currently waiting for clarification.

Summary Review of Additional Action Items and Decisions from the January 25, 2012 meeting

- 1) Dave will speak with individual stakeholders and provide recommendations at the next stakeholder meeting for proposed stakeholder group operating rules and “charter”.
 - a. Dave interviewed the stakeholders and presented findings and recommendations and presented results during the current meeting (see below).
- 2) Martha and Ashli will speak with the U.S. Environmental Protection Agency (USEPA) (Cindy Lyn and Terry Fleming) before next meeting regarding their involvement with this project.
 - a. Martha has spoken with Cindy Lyn and she is interested in participating. Terry Fleming has not been approached yet (see below).
- 3) Dave will provide the URL for the 3rd party TMDL toolkit.
 - a. Dave provided the URL a few weeks prior to the current meeting.
- 4) Jo Ann will spearhead the Technical Team to create an annotated workplan outline.
 - a. Workplan outline and materials were distributed to the stakeholders one week prior to the current meeting.
- 5) All stakeholders are to think about who they want to have present at the briefings to the board.
 - a. Continued during the February 23 meeting. Action item for the March 29, 2012 meeting.
- 6) Cynthia will speak to Dave Gibson, Executive Officer (EO) San Diego RWQCB regarding policy and decision-making issues of this project.
 - a. Cynthia spoke with Dave Gibson, who is agreeable to an MOU and to meet, but only 2-3 people should represent the group at the meeting. This goes back to action item #5.
- 7) Related to Action Item 6, Cynthia will speak with RWQCB colleagues and will report to the stakeholders how the RWQCB defines “critical” beneficial uses and how they prioritize critical beneficial uses over other beneficial uses.
 - a. This is still under way.

Update on Technical Team Activities

Ashli Desai (LWA) provided an update on action item #2 from the January 25, 2012 meeting: Discussion with the U.S. Environmental Protection Agency (USEPA) (Cindy Lyn and Terry Fleming) regarding involvement and input on the project. Martha Sutula (SCCWRP) spoke to Cindy Lyn, who is interested in participating in the project but will not be able to attend every meeting. If provided advance notice as to when key decisions will be made, she is willing to either attend in person or via telephone to provide the EPA viewpoint for those decisions. No communication has been made with Terry Fleming yet. Prior to involvement of additional members, the stakeholders may want to determine where they are in the process.

A series of conference calls have taken place between the technical team, who are currently working on three deliverables. Correspondence with the RWQCB is important so they know what is being done and providing notice that input will be necessary for some decisions in key technical areas. A road map about the technical processes and ways to move forward will be necessary to achieve success with the SSO and TMDL processes occurring concurrently, and with the inclusion of the RWQCB and the EPA.

The estuary modeling discussion has been postponed until the next meeting (March), after the technical team meets on March 7, at which time a presentation will be provided. Overall objectives, modeling needs, and processes have not been nailed down yet. Mid-course corrections will have to be made. PF is currently working on the hydrodynamic model and are in

data collection mode. During the March 7 meeting, the QAPP and Workplan will not be completely flushed out and technical issues will not yet need to be decided upon.

Santa Margarita Watershed Nutrient SSO and TMDL Process Planning

Letter of Intent to RWQCB

As a result of discussions conducted at the January meeting, the stakeholder group developed and reviewed a draft letter to the RWQCB to provide a more formal statement of intent and inquiry to the Board for their support of the SMR project. The letter is essentially for EO Dave Gibson to provide a commitment of a RWQCB staff person's time and to inform them of decision-making processes that they will need to be involved in. A separate staff member may be available to assist with TMDLs. A Memorandum of Agreement (MOA) will be required between the County of San Diego and the RWQCB to provide funding for a RWQCB staff member to allocate time to work on the project. Cynthia Gorham (RWQCB) remarked that the overall tone and tenor of the letter is good. She also recommended directly referencing funding and staffing allocations (i.e. X staff hours for X years for \$X) and stating that the funding has already been received. Cynthia recommended waiting for the attachments if they are only a month out before sending the letter so the RWQCB can see the thought and effort the stakeholders have dedicated to the project, and to send out the letter in March. The letter is expected to be in final form in March and all attachments should be completed by then.

Jason Uhley (RCFC&WCD) recommended clarification that the Numeric Nutrient Endpoint methodology will be utilized for both the lagoon and the SMR. He also recommended presenting to the Board and not just meeting with a staff member on a semi-regular basis, perhaps as a formal agenda item, as was done in the Santa Ana Region. Mike Welch (Consultant) suggested updates may be most effective if provided through the EO report to the board. Both methods may be utilized, but that is ultimately up to the EO as to whether it will be a formal agenda item on a quarterly or semi-annual basis. Mark Bonsavage (USMC Pendleton) recommended referencing the Basin Plan, since the SSOs and TMDL would be an amendment to the Basin Plan.

Initially, the intent was to include a table in the letter outlining updates and meetings with the RWQCB and when and what key decisions will need to be made. The table will be provided for the March SMR meeting and populated during the meeting and should: present the SMR stakeholders understanding of current conditions and intentions, ask the Board for if the interpretation of stakeholder perspectives and expectations of the Board are correct; and use the progress of Loma Alta, as an example of a similar effort and therefore worthy of RWQCB support. The stakeholder group determined that the table should be included in the letter to clarify that they need additional support and guidance from the RWQCB and that the group expects that the RWQCB will provide it. To that end, a draft MOU with the RWQCB will be started by SMR support staff as well.

Before the March meeting, stakeholders need to consider who should be the signatory authorities on behalf of the group, and consider designating a chairman on behalf of the group. Initially, signatories will be the IRWM groups and the two counties. Dave will follow up with the stakeholders.

Nutrient SSO and TMDL Draft Work Plan

Ashli began the discussion of the workplan, currently in annotated outline form. Martha is spearheading the workplan. The goal is to provide a structure that explains the work products and decisions that will need to be made so all stakeholders and parties involved are going down

the same path. The Workplan explains the purpose for conducting the project, the impairments, and the current conditions. The current problem is determining the initial questions – what needs to be done and why.

The focus of the workplan is on the WQOs and SSOs using the NNE framework (i.e. wet weather). After completion of this portion, the conceptual model will be implemented and data analysis will be conducted for the SSOs. Looking at the data will allow stakeholders to figure out what the actual problem is and assist in formation of an appropriate solution for the TMDL, in addition to how the data will be used to develop the TMDL.

A flow chart was used in the Los Angeles Regional Board TMDL for a waterbody so they could focus on the key decision points; that was critical for shared buyoff on the workplan. A flow chart process would link the key decisions between the proposed process table and the letter of intent to be sent to the RWQCB. In the LA waterbody, it was a negotiated document between stakeholders and the RWQCB, especially regarding the approach. Providing a credible table of contents and flow chart to the RWQCB may be sufficient at this point. Four to six pages may be a reviewable size for the RWQCB.

The letter of intent needs to be clear that currently only Phase I is being addressed even if the workplan addresses both phases of the project. A chart will be created at the technical meeting on March 7 including the consensus of decisions reached and potential costs along with an outline of the workplan. The flow chart will describe the process for the board. The flow chart will be color coded between phases to show what has and has not been funded. What is presented to the RWQCB may be negotiated down the road if they agree to sign a MOU. It will still be in draft form at the March meeting.

Presentation and Discussion of Stakeholder Interviews and Development of Group Administrative Procedures and Related Management Tools

Dave conducted confidential interviews, mostly in person, to get a sense of the group's state of mind, including: shared project meaning, the interests being served, technical sufficiency, and organizational perspective. Current and future "rules of engagement" are important to help the group make decisions; this is where the development and use of a Charter comes in. Additional work was recognized such as: MOUs, all technical studies and model development, resource allocation, development of SSOs, and recommendations for TMDLs regarding proposed text development.

Participant Findings & Recommendations

For the most part, opinions and objectives were consistent among the groups interviewed. The appropriate stakeholders are involved, but what is a stake and interest in this case still needs to be flushed out (i.e. a discharger versus a tribal interest). Another question is, are the Cities of Temecula and Murrieta represented by the Riverside County Flood Control and Water Conservation District? Jason will provide contact information for Dave to further pursue. The most common concern was the lack of agricultural interests' involvement.

The stakeholders need to figure out who should be a partner in this process and who should not be a late surprise - provide adequate notification to parties not currently involved who may have a stake in the outcome (i.e. NGOs, agencies, local governments, tribes, etc.). A letter should be provided to these groups from the stakeholders to solicit their involvement. Dave Ceppos attempted communication with the Farm Bureau and the Upper SMR Irrigated Lands Group, but both groups were unresponsive. LWA works with the irrigated lands groups, including farm bureaus, and may be able to talk to them. The agricultural groups typically don't get involved

until the end stages when they see potential impacts on their industry and then they communicate with and present to the RWQCB (which has a position on the Board for an agricultural representative. Greg Krzys (US Bureau of Reclamation) suggested that a proactive method may be more effective with the irrigated lands group versus having them push back. Make sure they have the chance to participate. In addition, environmental groups should be consulted, but only one should represent the overall environmental community opinion at future meetings.

The stakeholders agreed to draft a proposal regarding who they will begin proactively communicating with and who will receive strong encouragement, using a cost/benefit analysis. Stakeholders also need to think about the strategic method for communication: email, letter, or phone call.

Organizational Structure Findings and Recommendations

The group has a presumed understanding of interest and has interpersonal relationships, which are benefits for the group. However, the drawback is that stakeholders may presume to know what other parties are thinking and saying. The majority of the group was frustrated due to lack of progress, structure, shared expectations, and responsibilities. MOUs or some sort of document, such as a charter, need to be developed.

A steering committee may be beneficial to provide more structure as well as a technical and strategic/policy-making committee. These committees would enable progress and activity to continue in between monthly meetings. Agency staff may be brought in as first-line reviewers, but this keeps the ball rolling in between monthly milestones. Each stakeholder should have an alternate to be kept up to speed with the process, so in case they can't make it to a meeting, the alternate can so issues are not held up. A chair for the group might be beneficial and would allow the group to ease over administrative hurdles within the roles defined for the chair by the group.

Three types of documents are needed: the charter to define the purpose and goals, roles and responsibilities, and internal rules of engagement; the workplan defining technical milestones; and MOUs – quasi-contractual documents that define specific obligations between parties. Multiple MOUs will most likely be necessary and may require counsel approval. Bilateral MOUs will also be necessary for the transfer of funds. A team comprised of Jo Ann, Sheri, Jason (Chair), and Mark will compile MOUs to create a MOU template for the project (action item).

Ashli recommended adding the process to work with the RWQCB into the charter. Delineation of constraints in the charter will be useful.

Roles and Responsibilities Findings and Recommendations

While many of the stakeholders appreciate the lack of a clear leader and the equitable process, they are frustrated by the lack of leadership and accountability. A subset of decision makers for key items may need definition. All should have a voice in administrative issues, but content should be decided by a subset of the group. An administrative project manager (APM) would assist with the process and there are currently placeholders in the charter for that. There should be a line in the sand for the executive leadership team, for example, current or potential dischargers. Including an administrative record may assist in covering bases and may become part of the public record as part of the CEQA/NEPA processes. This will also provide a basis for decisions and outcomes if an appeal to the state board is necessary.

Decision-making Findings and Recommendations

Most participants struggled with defining decision-making within the group, but the majority would like it to be reasonable, equitable, timely, difficult to co-opt or delay, and easy to memorialize. All pending decisions should be provided in advance of meetings and discussed by the entire group. Proxy voting or alternates would facilitate the process moving forward. The decision role should be consensus with accountability: an interest-based negotiation model which can be established via the charter that allows stakeholders to protect their own interests while not impeding others' interests.

Technical Oversight Findings and Recommendations

Much of the technical discussion at this stage is too detailed and time consuming for the large group meetings. While stakeholders want to be informed, it can be overwhelming and time consuming. Stakeholders were also concerned about lack of EPA involvement. In addition, very little public outreach is currently being conducted for this project. An outreach advisory committee could handle some of the outreach-related items involved in the project.

The group also needs to determine whether they want to play an active role in the Regional and State board's peer review process. There are benefits and drawbacks to this: benefits might include the SMR group having more direct involvement with a peer review process and therefore knowing in advance what if any technical deficiencies are identified. A drawback would be the cost and bureaucratic burden on the stakeholders. A technical advisory committee (TAC) should be created that provides summaries to the overall group and may play a role in the peer review process, which can take three to five months. External technical advisors have been used on other projects to prevent hiccups with the peer review process.

Dave will include the findings and recommendations in the charter, as no opposition was raised when proposed. In addition, the stakeholders need to determine who this group is geared toward and who should sit on an executive committee, such as current and potential dischargers, as well as point and non-point source dischargers. Should the focus be on regulated dischargers versus dischargers with exemptions or waivers? If a TAC is created, Jason and Rich Williamson (Rancho California Water District) would like to participate in this.

Parking Lot:

- Further refinement and recommended educational discussions on competing beneficial uses, critical beneficial uses, and how those have been handled with Loma Alta
- MOU with the RWQCB

Next Meeting:

Rancho California Water District 2nd Floor Conference Room
42135 Winchester Road
Temecula, CA 92589-9017
Thursday 3/29/12, 10am to 2pm

Lunch will be provided by Rancho California Water District.