

**FINAL  
Meeting Summary**

**Santa Margarita River and Estuary  
Nutrient Water Quality Objectives Project  
Watershed Stakeholders Meeting  
Thursday, March 29, 2012**

**Location:**

Rancho California Water District  
2<sup>nd</sup> Floor Conference Room  
42135 Winchester Road  
Temecula, CA 92589-9017

**Introduction:**

***Attendee List:***

<b>Name</b>	<b>Organization</b>	<b>E-mail</b>
Sheri McPherson	County of San Diego	sheri.mcpherson@sdcounty.ca.gov
Denise Landstedt	Rancho California Water District	landstedt@ranchowater.com
Jo Ann Weber	County of San Diego	joann.weber@sdcounty.ca.gov
Jeff Marchand	Fallbrook Public Utilities District	jeff@fpud.com
Ashli Desai	Larry Walker & Associates	ashlid@lwa.com
Rich Williamson	Rancho California Water District	williamsonr@ranchowater.com
Jason Uhley	Riverside County Flood Control & Water Conservation District	juhley@rcflood.org
Michael Welch	Consultant w/ San Diego County	mwelch1@san.rr.com
Mark Bonsavage	USMC Camp Pendleton	mark.bonsavage.usmc.mil
Con Kontaxis	Caltrans	Constantine_kontaxis@dot.ca.gov
Eric Larson	SD County Farm Bureau	eric@sdfarmbureau.org
Chuck Katz	U.S. Navy	Check.katz@navy.mil
Pam Nelson	Sierra Club/Elsinore Murrieta Anza Resource Conservation District (EMARCD)	Pamela05n@yahoo.com
Jeremy Jungris	USMC Camp Pendleton	jeremy.jungris.usmc.mil
Rachel Davenport	AMEC Environment & Infrastructure, Inc.	rachel.davenport@amec.com
Dave Ceppos	Center for Collaborative Policy, California State University Sacramento	dceppos@ccp.csus.edu

***Meeting Materials:***

- Agenda
- February 23 Meeting Summary
- Proposed Short Term Technical Workplan
- Draft SMR Stakeholder Group letter to RWQCB
- Draft SMR Decision Flow Chart (attachment to Draft RWQCB letter)
- Draft SMR Charter

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**Meeting Goals:**

1. Receive update on Prop 84 Grant and IRWM Process
2. Receive update on February 23 Meeting action items
3. Receive update about technical team activities
4. Confirm approach for SMR Stakeholder Group next step interaction with the RWQCB
5. Discuss Draft Charter and set stage for April ratification
6. Discuss Draft MOU and set stage for April completion
7. Identify upcoming key decision milestones

**Action Items:**

1. Review and provide comments re: February and March meeting summaries for approval at the April 26 meeting
2. Discussion of proposal for Phase II grant in preparation for the solicitation for projects to be released in September
  - a. Stakeholders will keep reviewing the parking lot of phase 2 as phase 1 continues; may be added to agenda or may be a sidebar conference call
3. Dave will add the following standing items to the meeting agenda:
  - a. Michael Welch IRWM updates for the County of San Diego
  - b. Denise Landstedt IRWM updates for the Rancho California Water District
  - c. SNMP integration with the TMDL
4. SNMP and TMDL process integration
  - a. Investigate the pros and cons of merging plans and whether the current workgroup may be also used for the SNMP – NEXT STEP
  - b. Camp Pendleton will provide their Draft SNMP to the stakeholders and discussion will be added to the May Agenda
  - c. RCWD and Camp Pendleton will discuss whether initiating a combined public process would be beneficial
  - d. Technical team will add comparison of the Nutrient WQO Project and Camp Pendleton's Draft SNMP to the potential May Technical Team Agenda
5. Revision of the Letter to the RWQCB
  - a. Mike will revise the letter and send it to Ashli. Ashli will incorporate additional changes and send it to Jo Ann, who will disburse it April 11.
  - b. Stakeholders should consider and make a list of technical and interim milestones for the RWQCB.
  - c. Dave will provide the letter to Denise in Word format so that she may provide comments.
6. Final Charter and MOUs will be finalized at April meeting.
  - a. Provide draft agreement between Rancho California Water District and County of San Diego to transfer money back and forth
  - b. Sheri will revise the MOU between Stakeholders and the RWQCB to include pieces of the charter
  - c. All comments for the charter revision are due to Dave by April 13

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**Review and Approval of February 23 Meeting Summary**

Jo Ann Weber (County of San Diego) has some redline comments on the February 23 meeting summary. The meeting summary was not approved. It will be re-circulated with edits in about 2 weeks for approval at the April 26, 2012 meeting.

**Review of February 23 Meeting Action Items**

1. Revise SMR Stakeholder group letter to the RWQCB – complete
2. Technical team presentation on estuary modeling – postponed
3. Review of other stakeholders and attempt additional involvement – Additional stakeholders have been contacted by the County of San Diego; Dave has received emails from current stakeholders re: suggested parties
4. Draft MOU – meeting will be rescheduled for follow-up of draft
5. Charter revision – complete
  - a. Jason sent Dave the Axioms
  - b. Dave has revised the charter and the meeting today will discuss signatories (multiple vs. chairperson), content, and timing
6. Dave sending Scott the prior meeting materials - complete

**Update of Proposition 84 Status (Jo Ann Weber)**

***Recap of February Status***

Phase I funding has been received. The County Water Authority is expected to execute the contract with DWR (Department of Water Resources) in June 2012 and the grant should be completed prior to October 2016. The technical team is in the process of accommodating stakeholder questions and concerns and modeling has begun. Expenditures include: \$160k for the stakeholder group; \$275k for special studies; another \$70k for estuary modeling (task 4c of Phase I). Current modeling expenditures are only for the estuary; a totally different dynamic modeling for the river and is allocated for Phase II.

Grant proposals for Phase II are expected to be released in March 2013. Concept proposals may be released this summer for additional monitoring and special studies to fill data gaps. Proposals would be due in March, 2013. Proposal solicitation is expected to be released in November 2012. Rancho California Water District (RCWD) and the County of San Diego will release the proposals ahead of time (most likely this summer/fall) to line up work for 2013.

The Upper SMR is following essentially the same timeline. RCWD expected the draft agreement from DWR this week. Upon receipt, it will take a couple of months to get finalized. The County of San Diego will have an agreement with RCWD to funnel money between agencies and should be working on a draft agreement now even though it can't be executed yet.

The DWR grant process is no longer a two step application process. In March-April next year DWR will want the grants submitted. In August-September a couple projects will be going on so stakeholders are currently waiting for the grant package to know what the states priorities are.

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Considering regional and state priorities will be important for the next round of funding under Phase II.

**Update on Integrated Regional Water Management (IRWM) Plan process**

***Lower SMR IRWM (Sheri McPhearson)***

The planning process has begun for the IRWM. Workgroups are currently looking back at goals and objectives and working with the Regional Water Quality Control Board (RWQCB) as part of the plan. The process will include a white paper (Michael Welch will be lead) looking at where IRWM stakeholders can work with the RWQCB to improve water quality by furthering common goals. This project is a good test for the RWQCB's interest in participation with the IRWM. The IRWM and the grant process will allow the RWQCB to allow priorities to move up the RWQCB's list of priority projects. The IRWM Program will provide resources to RWQCB. The SMR Stakeholder Nutrient Water Quality Objectives (WQOs) Project is being used as an example springboard for the stakeholder process with involvement from RWQCB.

Michael Welch is currently looking at the IRWM framework. By this fall, the collaborative ops white paper should be out for review and available for comment. Regional advisory committee meetings are being conducted, including one on April 4, 2012 at 9:30 am. Michael will provide an update during stakeholder meetings and the update will be a standing item on the agenda. Information can also be found at [www.SDIRWMP.org](http://www.SDIRWMP.org), although the website is currently under revision.

The largest challenge identified was regulatory buy-in by regional, state, and federal regulatory agencies (RWQCB, SWRCB, EPA). Development of a sound regulatory process may avoid potential hang-ups. There is RWQCB support for the IRWM program, but stakeholders feel that support is more prevalent with the board than the staff members. Since the stakeholders currently have the ear of the RWQCB for these programs, action is being taken and the workplan is in development. Workplans have been used effectively in California and other states between regulatory agencies and stakeholder groups. Crucial engagement of the RWQCB will occur when the stakeholders nail down exactly what they expect to accomplish and move forward with the RWQCB as partners in the process.

***Upper SMR IRWM (Denise Landstedt)***

RCWD has submitted a planning grant which is currently under review. They expect to hear by July that funding has been received. In preparation, they are developing a RFQ for the IRWM update. They are planning to have a consultant on board by August and have it updated within 2 years. DWR wants it updated within 2 years of the grant reward. The IRWM update includes the development of a salt nutrient management plan (SNMP). RCWD is also using the stakeholder process to help develop the IRWM. IRWM stakeholder meeting will be on April 11<sup>th</sup> at 1pm at RCWD. Updates on RCWD's IRWM process will be a standing item on agenda.

Development of a SNMP currently defers decisions and approach to the stakeholders. Camp Pendleton also currently has a SNMP in draft form. The stakeholders SNMP may integrate with

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the current project because the rising groundwater in the area becomes surface water and directly effects the surface water uses on the lower SMR. Although the SNMP is a requirement of the state recycled water policy it is funded through the IRWM. Anticipated analytical requirements should be compared for the SMR, as they may be consistent. This discussion will be added to a future technical team meeting agenda.

The TMDL may be utilized as part of the SNMP so everything that feeds into the SNMP supports the TMDL; the Upper SMR IRWM update will be a standing item on the agenda. The current stakeholder process may be used for stakeholder SNMPs to minimize the creation of multiple plans. The technical team and stakeholder group will address different issues within the plans. Technical elements will require additional interface between the SNM group(s) and the SMR stakeholder group. This may allow for a more streamlined public/stakeholder input process, since the SNMP is supposed to be stakeholder driven with public review and input. There may be overlap between the multiple plans and this would maximize stakeholder effort between the two, leverage and integrate tasks, and potentially save some money.

The stormwater and groundwater plans need coordination. The technical team will look at the technical work involved and at the processes to identify overlaps between the programs and plans. The second step will be to look at the effort to accomplish both plans to minimize duplication where possible. After the technical team has first the look, they can provide insight to RCWD and give benefits and drawbacks. The technical team will then discuss the same with Camp Pendleton (Jeremy will have a draft next month that he can share with the technical team). While the agenda is full for next technical team meeting, it may be briefly presented by a consultant and discussed in a future meeting. They also need to see if the review of the two programs is feasible to discuss at the technical team meeting based on their workload for the current project. For now it will be added as a potential agenda item for the May meeting. Jeremy will bring a presentation to the May meeting and, in advance, RCWD can discuss with Jeremy to see if it makes sense to merge the public processes. RCWD will discuss the process internally first and stakeholders within Camp Pendleton will discuss internally prior to opening up the process to other stakeholders.

**SMR Watershed Nutrient SSO and TMDL Process Planning**

The final workplan document includes both Phase I and II of the grant. SCCWRP has been spearheading the workplan development. The technical team has compiled a short term technical workplan, which includes developing correspondence with the RWQCB and the decision flow chart involving multiple concurrent work elements including working with regulators. The draft letter to the RWQCB has been provided to stakeholders and the final is expected to be complete by the end of the month. The charter should be available to stakeholders by the end of April. The draft workplan will be available in May and the final is expected in October.

The regulatory subgroup will meet by end of April; the RWQCB will be briefed in May 2012. The concept of a regulatory subgroup is in the charter and was a proposal from the technical team. If regulators are willing, it presents the opportunity to allow for periodic meetings from one or two stakeholder representatives (the facilitator and one technical team representative) with the

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representatives from the regulatory agencies. Rather than trying to run through multiple channels, this allows for the subgroup to update the regulators on the technical and regulatory status of the project with candid conversation. The regulatory subgroup would come back and report to the stakeholder group. This also ensures the regulators and key decision-makers allow the RWQCB staff to move forward and prevents the EPA from being hit with surprises later on in the process. It ensures cross-communication is underway and messages are being delivered between the stakeholders and regulatory agencies. Controlling the message and conducting small scale conversations helps frame the conversation and ensures open communications.

The 2011 SMR river monitoring and special study workplan and QAPP will be assessed by the technical committee within the next few months. Revision will occur in June and August, 2012 and is anticipated to be submitted to the RWQCB in September. Technical discussions and the SNMP process may assist to guide workplan revisions. Currently, the technical team is focusing on the estuary nutrient TMDL by developing and evaluating the technical tools needed to support the TMDL. At the end of April the estuary modeling workplan will be complete and integrated with the SPAWAR lagoon modeling. With the state Nutrient Numeric Endpoints (NNE) still being developed, if the estuary model is calibrated and validated soon, the tools and data from TMDL will be useful for evaluation when NNE is implemented. A summary of the draft workplan was provided to stakeholders, containing a Gantt chart of short term project activities: The workplan is a rough road map and as the technical team moves through technical aspects more specifics will be provided.

**Decision item: *Does the process document (for working with the RWQCB) belong in the charter or the overall workplan?***

A Technical Advisory Sub-committee has been included in the charter to conduct the first line screening of technical team issues and present them during the stakeholder group meetings so all stakeholders are informed and have to opportunity to provide feedback; this model will guide the stakeholders to decision milestones. Other than governance and planning, stakeholders need to consider and put together a list of key issues and technical or interim milestones that should be discussed with the regulators. MOUs and charter will be finalized during the next meeting.

Estuary monitoring is already set forth under the RWQCB investigative order. The Santa Margarita River main stem monitoring is an iterative process. Stakeholders and the technical team are still developing questions, such as flow versus mass loading. The project workplan is on the project website. The monitoring workplan predates the project workplan effort and may also be on the website. The technical team has reassessed the program; instead of just a study for the NNE they want to look at SSOs and feed into the TMDL. Now there is a whole policy side that makes reevaluation of the monitoring workplan necessary so it feeds into the dynamic modeling. The modeling workplan was not initially looking at inputs from the watershed and needs to be considered for the watershed modeling perspective. The distinction lies with what is discharged into the estuary versus what is reaching the river (i.e. if there are observable changes in different areas of the river, how that will be approached). The RWQCB is modeling the estuary to determine of how much is coming from the watershed. Data collected along the way in the river may be used to assist with those models. This approach allows for tailored

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standards for protection of the river and estuary. The regulators and technical team will provide input and suggestions as to what monitoring should be conducted and where.

**SMR Stakeholder Group Governance and Management**

***Draft Letter to the RWQCB***

The Draft letter to the RWQCB has been reviewed by the technical team and revised. The subject line has been changed to reflect the goal of having a RWQCB staff member assigned. An alternative to Cynthia needs to be provided so that if Cynthia is unavailable the stakeholders receive another staff member. The language “or a designated alternate” will be added so at least someone is assigned to the project from the RWQCB staff.

The second reason for the letter is the development of a collaborative process between the RWQCB and stakeholders. Dave Gibson has said he is willing to sign a MOU, and there are other MOUs out there between stakeholders and the Board (i.e. Lake San Marcos).

The third reason for the letter is as guidance for the SSO and nutrient TMDL regarding technical issues. The technical team needs certain questions answered by the RWQCB so they can clarify the scope with the Phase II workplan. This goal needs to be more explicit in the workplan. The technical team questions and clarifications are:

- wet versus dry;
- how much data is needed during wet;
- currently the focus is on listed reaches but not all tributaries are listed;
  - And how should unlisted reaches be approached? Do all tributaries need to be sampled?

Concern was raised over allowing the RWQCB to answer these questions, because the answers may not be the ones stakeholders would prefer. Technical questions should be clarified and reworded for specifically what the stakeholders need guidance on. Rather than leaving it open for the RWQCB, the letter will state what the stakeholders are doing and an explanation as to why that approach is being utilized. The approach asks for forgiveness instead of permission. If the stakeholders and the RWQCB work together on this, which is one of the RWQCB’s priorities, the result may be that TMDLs are not needed. This is the tone that should be set forth in the letter.

The purpose of letter is requesting staff support and perhaps provides too much detail to the RWQCB. The letter should brief them on the process to date and propose policy questions but don’t make the letter the focal point of the policy questions. The original purpose was to engage RWQCB in the stakeholder process early on, requesting their engagement and a decision making process with them. General identification of key decision points should be included, but not in detail. The point is to have something on the table to get the regulators together in a sub work group and “Work with [RWQCB] staff to develop direction for key work elements.” The term “guidance” on page 4 of the letter should be changed to “engagement”.

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To modify the workplan, the process and categories of technical questions and issues that warrant discussion with the RWQCB should be outlined and discussed at the regulatory sub-workgroup meetings. The process is key to receiving decisions from the RWQCB board members, and not the staff, and should include the RWQCB's obligation under the TMDL.

The letter is tailored to the Executive Officer, Dave Gibson, for how the RWQCB is engaged. The rationale and background may be important for Dave Gibson to understand. The ultimate outcome the stakeholders' desire is an MOU providing RWQCB staff resources to contribute to the stakeholder process, of which Dave Gibson is supportive. The stakeholders need agreement of specific policy issues and should bullet point those policy issues in the letter, stating they cannot move forward without the RWQCB. Provide enough detail to show the stakeholders have put a lot of work and money into this, and that agreement to the process from the RWQCB is necessary. The need to engage and the need to answer the questions is the motivator to the RWQCB. The tone should be that the stakeholders have something the RWQCB needs and are bringing it to the RWQCB. . Provide the process where the stakeholders can give something and get something in return and provide background on key decision processes. Technical information may be included in an appendix, and shows that the stakeholders can work together successfully.

Immediate items that need to be moved to an attachment or appendix:

- Activity to date
- Project elements
- These could be summarized 4-5 sentences, referred to in letter and put in detail in attachment

The MOU is also going to Dave Gibson and will focus on engagement of the RWQCB instead of guidance from the RWQCB. The project elements and and activities will be distilled down and some technical question examples will be provided to show the RWQCB the types of questions the stakeholders have ahead of them. Ashli will revise the draft of the letter **April 26**, to be approved at the next meeting. Dave will send Denise RCWD the word version and she will provide comments and send them to Mike. Mike will clean it up based on recommendations discussed during the March meeting and will send it to Ashli the following week, who will revise the letter and send it to Jo Ann. Jo Ann will send it out to stakeholders April 11<sup>th</sup>. All stakeholder comments are due to Jo Ann on April 20<sup>th</sup> at 5pm. The document will be finalized between the 20<sup>th</sup> and the 26<sup>th</sup>, to be approved at the April stakeholder meeting.

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***Review and Modify Draft Charter***

The Charter came out of assessment process and interviews of a representative cross-section of stakeholders. Recommendations were provided and Dave was given a green light to proceed, which is what is provided in the charter. The charter is written in present tense because it represents what the stakeholders are currently doing. A line of distinction must be drawn between key stakeholders and other stakeholders. Dischargers have regulatory responsibilities that other stakeholders do not have so that is currently being utilized as the line of distinction for key stakeholders. The goal is for the final charter to be presented and approved at the April meeting.

The NNE process may dispense the need for a TMDL. A TMDL is assumed and it should be reworded as a potential result and not an assumed result. A cost/benefit analysis must be conducted as to who should be involved in the stakeholder process. The ultimate goal of the process is durability and sustainability. Make sure potential stakeholders know about the project and process so they don't walk into the door at a RWQCB meeting and complain they have not been included.

Regarding Section 4 of the Charter, definitions were provided for clarity and shared meaning between stakeholders. The distinction needs clarification between active participants and dischargers (as key stakeholders) and new potential stakeholders that may present themselves at the 11<sup>th</sup> hour and attempt to demand the same decision-making authority and influence as those who have been actively participating during the whole process. A process needs to be provided for how groups can become participants in the process and who gets a say and who does not. Identify current participants and provide a method to add additional participants so stakeholders can control their message and methods moving forward.

A process and definition needs to be included to clarify who makes those decisions. The current list is based off the Lagoon Investigative Order (Estuary TMDL). Agricultural parties may be dischargers as well, since non-point source flow from agricultural lands may be considered discharges into the River. Two types of decisions need to be made during this process: administrative and content-based.

- Administrative activities: all parties may be involved and can made by of the majority of the participants that are present and not the technical team
- Content decisions: policy, technical, decisions with implications – made by a steering committee comprised of dischargers, as advised by the whole stakeholder group
  - The question goes to a subset of people for vote and the conversation is universal and transparent
  - Decision-makers would weigh others viewpoints but ultimately they are the ones with more at stake to make the final decisions

Financial decisions should reside with those with financial obligation. Also what needs to be considered is who gets the violation, as those groups have the most interest. DWR is paying through grant money; in-kind money is coming from the stakeholders so there are a lot of

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potential parties. Those responsible for the compliance with the TMDL in the end are the groups with the highest stakes. Whereas other groups, such as the irrigated lands groups, have conditional waivers where they may be fined but are currently self-policing under their applicable policies. Certain stakeholders may also vest authority in other stakeholders to represent their interests.

The stakeholder group organization needs consideration. The charter is set up so that work is advised by subgroups: technical team, regulatory subgroup, steering committee, etc. There might be a benefit for a chairperson. The technical advisory committee would have a symbiotic relationship with the technical team.

The Stakeholder chairperson and technical advisory committee leader should serve a one year term and may be on the Steering Committee. This has proven effective with other RWQCB's in other regions, but it is not guaranteed to always succeed. If a decision cannot be reached, at least the effort of the decision-making process is documented. The RWQCB is not on the steering committee, as the decisions are ultimately the stakeholders', but the RWQCB will have informed consent, providing feedback and advice throughout the process. For example, Region 8 served more as an advisory role during their stakeholder process. An MOU can memorialize their expectation of their role in the process, but will not bind the RWQCB by the charter, which is internal between the stakeholders.

The regulatory subgroup, as discussed earlier, would be made of the following:

- Technical team leader
- Regulatory agency representatives
- The facilitator (neutral conduit) to track action items, assumptions, etc.

A steering committee would be useful for the stakeholder group, made of designation of stakeholders that make key decisions which all stakeholders have the opportunity to weigh in on. Steering committee meetings may be private, but all content decisions should be made during the stakeholder meetings for transparency. There would also be a benefit to designate a technical team leader or project manager to lead a technical advisory committee. The steering committee would be made up of a member from each of the subgroups and a chair.

The discharger list is currently incomplete and not consistent with potentially what Cynthia explained to Dave. For example, if the Cities of Temecula and Murrieta are included on the list, why are Menifee and Wildomar excluded? There are groups with significant responsibility that are not on the list, such as agriculture. This is why a system should be created with a line as to who is defined as what so groups may be held accountable for decisions. All groups should be given the opportunity to present their opinions. The steering committee should be comprised of river dischargers, not just the parties named in the lagoon order.

For Sections 4.6 and 4.7 of the Charter, administrative project support needs clarification as to who will be doing what. Section 4.8 outlines a public outreach subcommittee.

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Section 5.1 of the Charter allows for alternates in case stakeholder representatives are unable to attend meetings, particularly when decision milestones are expected at meetings. Expectations are imbedded in Section 5.1. Language is also included for resignation and replacement and/or adding additional members. A process is necessary to outline adverse positions as well.

A letter of interest should be drafted to provide a paper trail for the decision-making process. Clarification is also provided that the group is consensus seeking in the sense that stakeholders will do what they can to reach consensus, but at the end of the day if they can't reach consensus the process still moves forward. A Process is laid out to reach consensus with accountability. If a stakeholder disagrees, they need to provide a counterproposal that meets their interests and all other stakeholder interests being met by the initial proposal. Commitments will be reviewed at the April meeting. Dissent with explanation should also be documented during the process so the record is articulated.

The Charter may be amended and limited only to Phase I. While a facilitator role is described, members can play that role if they don't have resources or the desire pay for a facilitator. Sheri will rework the MOU with pieces of the charter, since no one was opposed to the Phase 1 project limitation of the MOU.

No final decision was made as to whether the charter will be signed. Stakeholders have been tasked with determining whether they want signatories in the charter and should provide comments to Dave by April 13. The final decision was made that the MOU will be signed, as specified for Phase I only. Signatories to the MOU will be dischargers as defined in the charter.

Next meeting:

San Luis Rey Water Reclamation Facility  
3950 N. River Road, Oceanside, CA  
Thursday, April 26, 2012  
10:00am to 2:00pm