

**AGENDA**  
**NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE**

March 20, 2019  
1:30 – 3:30 p.m.

Irvine Ranch Water District  
15600 Sand Canyon Avenue  
Irvine, CA 92618

**Peer Swan, Chair**  
Irvine Ranch Water District

**Michelle Steel, Vice Chair**  
County of Orange

**Farrah N. Khan**  
City of Irvine

**Dr. Allan Bernstein**  
City of Tustin

**William von Blasingame**  
Santa Ana Regional Water Quality Control Board

**Duffy Duffield**  
City of Newport Beach

**Fuad Sweiss**  
City of Santa Ana

**Katrina Foley**  
City of Costa Mesa

**Scott Voigts**  
City of Lake Forest

**Dean Kirk**  
The Irvine Company

**Carla Navarro**  
California Department of Fish and Wildlife

Meeting information available at  
<http://ocwatersheds.com/programs/ourws/wmaareas/wmacentraloc/nbexeccomm>

*The Newport Bay Watershed Executive Committee welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. No action shall be taken on any items not appearing in the following agenda except as otherwise provided by law. Any member of the public may ask the Executive Committee to be heard on the following items, as those items are called. To speak on an agenda item, please provide a speaker request card to the Committee Staff. To speak on a matter not appearing in the agenda, please provide a speaker request card to the Committee Staff indicating Public Comments.*

## Welcome and Pledge of Allegiance

- ITEM # 1. ACTION MINUTES OF THE DECEMBER 19, 2018 MEETING**  
Recommended Action: Approve the action minutes of the December 19, 2018 meeting
- ITEM # 2. ELECTION OF OFFICERS**  
Presented by: Amanda Carr, County of Orange  
Recommended Action: Elect Chair and Vice-Chair for 2019-21 (2 Year Term)
- ITEM # 3. IRWM REGIONAL ACCEPTANCE PROCESS STATUS FOR NORTH AND CENTRAL ORANGE COUNTY AND CONTINUED DISCUSSION OF GOVERNANCE MODELS**  
Presented by: Amanda Carr, County of Orange  
Recommended Action: Support the agreement terms proposed by the Orange County representatives and SAWPA
- ITEM # 4. REVIEW OF THE 2017-18 NUTRIENT TMDL ANNUAL REPORT FINDINGS**  
Presented by: Kelvin Liu, County of Orange  
Recommended Action: Receive and File
- ITEM # 5. REVIEW OF THE 2017-18 SEDIMENT TMDL ANNUAL REPORT FINDINGS AND UPDATES ON THE PROGRESS OF TWO SEDIMENT REMOVAL PROJECTS IN SAN DIEGO CREEK**  
Presented by: Jamie Habben, County of Orange  
Recommended Action: Receive and file
- ITEM # 6. EXECUTIVE OFFICER REPORT**
- ITEM # 7. EXECUTIVE COMMITTEE MEMBER COMMENTS**
- ITEM # 8. PUBLIC COMMENTS**
- ITEM # 9. ADJOURNMENT**

Meeting information, including presentations, is available upon request.

To obtain copies, contact Maria Tamez at (714) 955-0603 or [Maria.Tamez@ocpw.ocgov.com](mailto:Maria.Tamez@ocpw.ocgov.com)

**AGENDA STAFF REPORTS**  
**NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE**  
**DECEMBER 20, 2018**

**ITEM # 1. MINUTES OF THE SEPTEMBER 19, 2018 MEETING**

Date and Location: December 19, 2018; 1:35 - 2:48 p.m.  
Irvine Ranch Water District  
15600 Sand Canyon Avenue  
Irvine, CA 92618

*\*\*Audio recording for the December 19<sup>th</sup> meeting will be available [here](#). Recording times noted in the minutes correspond to that item on the recording\*\**

**Roll Call/ Self-Introductions (Recording: 00:00)**

Peer Swan, Chair	Irvine Ranch Water District
Chris Gaarder, <i>Alternate for Andrew Do, Vice Chair</i>	County of Orange
Dr. Allan Bernstein	City of Tustin
Marshall Duffield	City of Newport Beach
William von Blasingame	Santa Ana Regional Water Quality Control Board
Fuad Sweiss	City of Santa Ana
Dean Kirk	The Irvine Company
Scott Voigts	City of Lake Forest
Amanda Carr, Executive Officer	County of Orange

**1) Approval of Minutes (Recording: 00:00:44)**

The minutes of the September 19, 2018 meeting were presented to the Executive Committee.

**Recommended Action:** Approve the minutes of the September 19, 2018 meeting

*Motion: Approve minutes*  
*First/Second: Dean Kirk / Scott Voigts*  
*Outcome: Approved unanimously*

**2) 2019 Proposed Meeting Schedule (Recording: 00:01:05)**  
**Amanda Carr, County of Orange**

Ms. Amanda Carr presented the proposed 2019 meeting schedule as follows:

- March 20
- June 19

- September 18
- December 18

**Recommended Action:** Approval of the 2018 Meeting Schedule

*Motion:* Approval of the 2019 meeting schedule by member consensus

*Outcome:* Approved unanimously

**3) 2018 Year-End Summary and Topics for 2019 (Recording: 00:2:57)  
Amanda Carr, County of Orange**

Ms. Carr provided a summary of the topics that were covered in 2018, which included regional water management issues, Newport Beach dredging and regulatory issues, Sediment TMDL Annual Report, and updates on large projects taking place within the watershed. Ms. Carr presented a list of potential topics to be discussed during the 2019 meetings, which are focused on technical, regulatory information and project updates.

Chair Swan, Irvine Ranch Water District, asked for a tour of the completed Delhi Diversion Project and the 405 to 405 Sediment Removal Project in late spring. Ms. Carr suggested that the tour to take place during the June meeting. Chair, Swan also requested to have a tour of the projects selected for Prop 1 funding. Ms. Carr stated that such tour might not be available until the fall, since deadlines continue to shift.

**Recommended Action:** Review, Comment and Provide Direction

*Motion:* Review, Comment and Provide Direction

*First/Second:* Scott Voigts/ William von Blasingame

*Outcome:* Approved unanimously

**4) Integrated Regional Water Management Status for North and Central Orange County and Potential Governance Models (Recording: 00:11:15)  
Beatrice Musacchia, County of Orange**

Ms. Musacchia provided an overview of the timeline to date, an update on the Regional Acceptance Process (RAP) application, and Prop 1, Round 1 Integrated Regional Water Management (IRWM) grant funding. She requested Executive Committee input on the proposed governance structures for the OC Plan that would be needed if the combined North and Central Orange County becomes a funding area separate from the One Water One Watershed (OWOW) process.

Chair Swan stated that he would support the North and Central Orange County becoming its own region. He understands that efforts are being made to negotiate with SAWPA. What is of utmost importance is that the projects to improve Orange County receive funding, whether it is through OWOW, or through our own process. Ms. Carr requested that the Executive Committee think about the items presented, and provide any feedback directly to her, or through the Management Committee.

**Recommended Action:** Review, comment and provide direction

*Motion:* Review Comment and Provide Direction  
*Objections:* None  
*Outcome:* Received

**5) Mitigation Program Overview of San Diego Creek (Recording: 00:35:17)  
Jennifer Shook, County of Orange**

Ms. Shook presented an overview of the mitigation program that involves vegetation management in San Diego Creek. The information presented included permitted maintenance activities along the channel, status of the federal and State-listed Endangered least Bell's vireo, and ongoing coordination with regulatory and resource agencies to maintain the portion of the channel.

Chair Swan asked what the hydraulic capacity of San Diego Creek was. Ms. Carr referenced a presentation made regarding this subject in 2010. Ms. Shook informed Chair, Swan that the information would be sent out. [The San Diego Creek hydraulic capacity is 35,300 cfs for the 100-year design discharge.]

**Recommended Action:** Receive and file

*Motion:* Receive and file  
*Objections:* None  
*Outcome:* Received and filed

**6) Executive Officer Report (Recording: 01:04:44)  
Amanda Carr, County of Orange**

Ms. Carr provided an update of the 405 to 405 Sediment Removal Project. To date 25% of the sediment has been removed, and it is currently waiting to be processed. The target goal is 172,000 cubic yards. 12,000 cubic yards have been removed from Basin 3; target removal is 50,000 cubic yards. The removal of sediment from Basin 2 will begin soon.

Ms. Carr also provided an update on the Selenium TMDL for Newport Bay, which was adopted by the State Board, and it will now go to the Office of Administrative Law for final review; from there it will move on to US EPA. There is still much work that needs to be done in regards to the fecal coliform TMDL so the Stakeholder Group and the Management Committee have merged to discuss which projects best fit the needs of remediating the Fecal Coliform TMDL issues.

**7) Executive Committee Member Comments (Recording: 01:08:20)**

Chair, Swan opened the floor for Executive Committee member comments; there were no comments.

**8) Public Comments (Recording: 01:09:16)**

Mr. Carl Cassidy requested that the Newport Bay Executive Committee, add as a future agenda item, the discussion of water quality and habitat issues of public trust lands in Newport Bay. Chair, Swan said that he will ask the City of Newport Beach to brief the Executive Committee on the matter as a future agenda item.

**9) Adjournment (Recording: 01:12:33)**

Meeting adjourned at approximately 2:49 p.m. The next regular meeting is scheduled for March 21, 2019.

Non-Committee Attendees:

Alex Waite	City of Tustin
Dalton Kelly	City of Costa Mesa
Craig Foster	City of Santa Ana
Dave Webb	City of Newport Beach
Devin Slaven	City of Lake Forest
Doug Shibberu	Santa Ana Regional Water Board
Mark Tettemer	Irvine Ranch Water District
Tyrone Chesanek	City of Santa Ana
Garry Brown	Orange County Coastkeeper
Bryan Choi	City of Irvine
Susan Brodeur	OC Parks
Khalid Bazmi	County of Orange
Jamie Habben	County of Orange
Carl Cassidy	

**Committee Staff:** Amanda Carr, Chris Crompton, Beatrice Musacchia and Maria Tamez

**ITEM # 2. ELECTION OF OFFICERS**

**Recommended Action:** Elect Chair and Vice-Chair for 2019-2021 (2 Year Term)

**ITEM # 3. IRWM REGIONAL ACCEPTANCE PROCESS STATUS FOR NORTH AND CENTRAL ORANGE COUNTY**

Presentation by: Amanda Carr, County of Orange

**Recommended Action:** Support the agreement terms proposed by the Orange County representatives and SAWPA

In July 2018, requests were made by Orange County Water District, Orange County Sanitation District, and the County of Orange (Orange County representatives) regarding incorporation of The OC Plan into the One Water One Watershed (OWOW) Plan managed in the Santa Ana River Watershed IRWM funding area by the Santa Ana Watershed Project Authority (SAWPA). The requests were:

- 38% of total available future grant funds be allocated to priority projects identified in The OC Plan;
- The OC Plan be incorporated as a separate chapter within the OWOW Plan; and
- Projects within the North and Central Orange County Watershed Management Areas (WMAs) be ranked and prioritized for Proposition 1 IRWM funding through the process developed in The OC Plan.

The OWOW Steering Committee discussed the July 2018 requests at meetings in late 2018 but took no formal action. Subsequently, the Orange County representatives received a letter from the OWOW Steering Committee Convener on December 21, 2018 (see Attachment A) regarding these requests. The correspondence indicated that the Steering Committee is willing to consider a target minimum grant funding amount of 25% for each of the three counties, but projects would be evaluated by the rating/ranking system of the OWOW Plan. Subsequent meetings were held with SAWPA staff, the outcomes of which were summarized in a letter to the OWOW Steering Committee on February 15, 2019 (see Attachment B) and included a compromise position to be further defined in a memorandum of understanding. On February 19, the SAWPA Commission formed an Ad Hoc Committee to address the February 15 letter and determine if a compromise solution can be reached. The Ad Hoc Committee is scheduled to meet on March 5 and the outcome of that meeting will be presented by the Executive Officer on March 20, 2019.

In order to maintain eligibility for the North and Central Watershed Management Areas (WMAs) to apply for Department of Water Resources (DWR) funding in the first round of Prop. 1 grants as an independent IRWM Region, a Region Acceptance Process (RAP) application was submitted to DWR on November 21. A decision on the RAP application is still pending and will be followed by a 30-day public comment period before a final determination is made.

In preparation for approval of the proposed North Orange County IRWM Region, County staff at the last Executive Committee meeting discussed options for an IRWM governance structure that will improve agency engagement, public participation opportunities, and the decision-making process in the event that north Orange County becomes an independent IRWM Region. While no formal decision was requested or made, feedback suggested that the creation of an IRWM steering committee that will include representation from each of the four watersheds in the Region was a preferred model, at least in an initial period if the RAP is approved. Further input and direction on this issue will be requested at the meeting in the event that a resolution of issues with SAWPA and OWOW is not achieved and the RAP process is to continue.

### **March 15, 2019 Addendum**

As a result of the Ad Hoc Committee meeting on March 5, 2019 a basis of agreement has been developed between the Orange County representatives and SAWPA for the North and Central Watershed Management Areas to remain within the OWOW Plan. The agreement terms, which would be incorporated into a Memorandum of Understanding subject to approval of the four governing bodies (Orange County Water District, Orange County Sanitation District, County of Orange, and SAWPA), would:

- Allocate 30% of IRWM funds to priority projects identified in The OC Plan
- Allocate 60% of IRWM funds to upper watershed projects in Riverside and San Bernardino Counties
- Allocate 10% of IRWM funds to regional projects that benefit the entire watershed

- Allow projects in North/Central Orange County to be rated and ranked based on the criteria in The OC Plan.

**ITEM # 4. REVIEW OF THE 2017-18 NUTRIENT TMDL ANNUAL REPORT FINDINGS**

Presentation by: Kelvin Liu, County of Orange

**Recommended Action:** Receive and File

The 2017-18 Nutrient TMDL Annual Report was submitted to the Santa Ana Regional Board on December 17, 2018. The Annual Report provides the monitoring data collected during the reporting period from April 2017 through March 2018 and an assessment of compliance with Total Maximum Daily Load (TMDL) numeric end-points in San Diego Creek, the seasonal nutrient load from the watershed, algae biomass in Newport Bay, and Newport Bay water column conditions.

The 2017-18 Annual Report constitutes the fourth year of monitoring, analysis, and nutrient loading record computation efforts since the TMDL Regional Monitoring Program (RMP) was revised in 2014 (2014 RMP, Regional Board Resolution No. R8-2015-0016). Key findings for the 2017-18 reporting year were:

- Total inorganic nitrogen concentrations were below the 13 mg/L TMDL target for San Diego Creek Reach 1.
- Summer and winter Total Nitrogen TMDL targets were met (12,243 lbs. vs 153,861 lbs. and 27,501 lbs. vs 144,364 lbs., respectively).
- Total Phosphorus numeric TMDL targets were also met (16,994 lbs. vs 62,080 lbs.).
- Algal biomass was non-detectable at Upper Newport Bay monitoring stations.

**ITEM # 5. REVIEW OF THE 2017-18 SEDIMENT TMDL ANNUAL REPORT FINDINGS AND UPDATES ON THE PROGRESS OF THE TWO SEDIMENT REMOVAL PROJECTS IN SAN DIEGO CREEK**

Presentation by: Jamie Habben, Larry Walker Associates

**Recommended Action:** Receive and File

The 2017-18 Sediment TMDL Annual Report was submitted to the Regional Board on February 27, 2019. The annual report provides the monitoring data collected during the reporting period and an assessment of compliance with TMDL loading targets. The data from the 2017-18 Annual Report constitute the nineteenth year of monitoring, analysis, and sediment record computation efforts since the TMDL was approved. The 2017-18 monitoring year was the fourth driest since 1898, with only 4.75 inches of rainfall recorded. Water flow is the most important element of sediment transport. With extremely low water flows during the reporting period, the resulting suspended sediment loading was one of the lowest totals on record. The annual load from the San Diego Creek at Campus Drive monitoring station was only 1,224 tons. One of the main quantifiable targets of the TMDL is to reduce the annual average sediment load to Newport Bay to approximately 62,500 tons per year within 10 years. The target represents a 50% reduction and compliance is evaluated as a 10 year running annual average of the suspended sediment load measured in San Diego Creek at Campus Drive. This target was met within the 10 year timeframe of the TMDL and based on the 2017-18 data, the current 10 year



running average is 26,845 tons per year continues to be well below the 50% reduction requirement of the TMDL.

**Sediment Removal Projects Update:**

OC Public Works commenced work on two sediment removal maintenance projects within San Diego Creek this past summer. In August 2018, work began on the larger of the two projects: the “405 to 405 Sediment Removal Maintenance Project.” This project involves removing up to 200,000 cubic yards of material in a six mile stretch of the creek that begins at the 405 freeway south of Jamboree and ends at the 405 freeway south of the 133 freeway. The project aim is to remove excess sedimentation accumulated within the channel system to increase flood capacity and flow conditions. The project will also serve to protect lower San Diego Creek and Upper Newport Bay habitat as it removes material upstream before it reaches these downstream resources.

As of February 20, 2019 approximately 75,000 cubic yards of sediment had been removed. However, due to frequent rain events, very little progress has been made since January. The total quantity for the project has also been revised based on field conditions to 172,000 cubic yards, so approximately 95,000 to 100,000 cubic yards of additional sediment still need to be removed. The last day of the project is currently scheduled as March 22, 2019.

In September 2018, OC Public Works began work on the second sediment removal maintenance project within the San Diego Creek channel. This work was located in lower San Diego Creek in the reach from Campus Drive to the 405 freeway and focused on removing sediment accumulated along the west side of the 40 foot buffer zone established for habitat to increase flood capacity and restore flow to the buffer zone area. The work also included removing material from in-channel basins 2 and 3 to increase storage capacity (a requirement under the Sediment TMDL) and performing vegetative management within the buffer zone and the west bank of the creek. A total of 50,500 cubic yards of material were removed during the project. A scour survey will be completed this spring on the in-channel basins to determine their available capacities post-project.

**ITEM #6. EXECUTIVE OFFICER REPORT**

**ITEM # 7. EXECUTIVE COMMITTEE MEMBER COMMENTS**

**ITEM # 8. PUBLIC COMMENTS**

**ITEM # 9. ADJOURNMENT**

Next Meeting date: June 19, 2019