

**Matilija Dam Ecosystem Restoration Project
Fine Sediment Study Group
Friday, December 10, 2010
9:30 a.m. – 4:30 p.m.
Ventura County Public Works Agency Saticoy Operations Yard
11251-A Riverbank Drive, Ventura
Draft Meeting Agenda**

Meeting Objectives:

1. Understand Project Partner goals for the Study Group
2. Review draft Charter
3. Common understanding of the status of fine sediment disposal options development to date: Alternative 4(b) options and conceptual plans (BRDA, MODA, USA)
4. First round of discussion on problem definition and data gaps
5. Agree on proposed public outreach

Time* Agenda item Lead

9-9:30 Sign-in

9:30 Welcome/Self-introductions, background on Study Group formation

Bennett welcomed group. Meeting started at 9:40 a.m. Introductions

US Army Corps of Engineers – Darrell Baxton
US Bureau of Reclamation – Blair Greimann
State Coastal Conservancy – Bob Thiel
WPD – Jeff Pratt
Meiners Oaks Water District – Mike Hollebrands
Matilija Coalition – Paul Jenkin
NOAA – Brian Cluer
CMWD – Russ Baggerly
US Fish and Wildlife Service – Chriss Dellith
Dept. of Fish and Game – Betty Courtney
Ojai Valley Land Conservancy – Greg Gamble
LA Regional Water Quality Control Board – L.B. Nye
Vta Co BOS – Steve Bennett
Casitas: Steve Wickstrum, General Manager

Supervisor Steve Bennett: Opened the meeting with providing background and setting frame of reference to fill those in who may not have been here for the beginning of feasibility study in 2001. There are many striking similarities between where we were then and where we are now – narrowed down to this issue. There are many similarities and important stakeholders in the room. We had multiple constraints that we had to deal with and just like today we have these constraints and they are financial, political, legal, and environmental. We had a real recognition then (and I think it's also very strong right now) that virtually everybody in this room certainly everybody at this table could stall or stop this project if they wanted to – it would be easy to do that; the challenge for us is the other side for it to move forward we all have to come together and reach consensus. I think we recognize that winning approval in Washington wasn't going to be possible if there was major opposition to the project. And the other thing that I think we were painfully aware of is that there was no certainty that we were going to come to consensus – lots of constraints, many people with strong views about where we were going and how we had to deal with those constraints.

During the feasibility process there were times when we reached great collaborative moments, and when tensions ran high – people were frustrated but ultimately the compromises were reached that allowed the project to reach consensus and then we had to go sell it to Congress; there was great skepticism whether we could sell it to Congress but fortunately Congress did authorize the Army Corps of Engineers to go from the feasibility phase to the design phase and we have been in the design phase since then and we're hung up on one major element of the design and that is – what to do with fine sediments. And we had agreed during feasibility study at a conceptual level that the BRDA site was the consensus site for us to move forward, moving from the conceptual design of that starting to move into actually designing it The major funders, the Army Corps and Coastal Conservancy saw the cost going up for that fine sediment and ask that we (the stakeholders) examine other alternatives besides the BRDA site before spending significant funds of money on specific design of that BRDA site. There were 2 sites that were studied for a significant amount of time – we looked at the MODA site. The stakeholders asked for some studies to be done and took some time for those studies and ultimately after the information was gathered there was still organized opposition to the MODA site; there wasn't consensus reached on the MODA site. So a second site was looked at that is the above dam site which people refer to as the USA site. That was also looked at from a conceptual standpoint; the same thing to see whether a consensus could be reached before significant funds could be spent on actual design on the above dam site. Opposition has been expressed in Washington to that site. And there has been no further effort to moving forward with that above dam site. There is still the recognition that we need to reconvene and have a fresh new look and approach to this.

Like the beginning of the feasibility study, important stakeholders are here today; we have multiple constraints again – economic, legal, environmental, and political. But there's still the recognition that it's easy to stop the project; the challenge is to move forward. Need to reestablish momentum. There is genuine and sincere interest in hearing everyone's perspectives; trying to get everybody's input with recognition that that is how we will be able to move forward and reestablish momentum. It's an attempt to try to establish some shared language and some shared meaning and understanding of the

constraints and tradeoffs so that we communicate agreements or disagreements with each other or at least have a common language in which to do that and it's an attempt to try and engage in joint fact finding so together we can find out the factual information that we need to have and have a common understanding of that factual information as we move forward to try and reach consensus on this very challenging the issue of fine sediment. If there was an easy solution to this fine sediment we would have found it quite some time ago. We recognize the challenge and issue and that's why we have convened a new process and to try and recognize the establishment of this new process we have brought in a facilitator to move the group forward.

Before I do that I'd like to have the project partners very briefly describe what they hope to see come out of these study sessions.

We have the Army Corps of Engineers, Watershed Protection District of the County of Ventura and the Coastal Conservancy.

THIEL: Our basic objective is the same as everyone else - finding the best solution possible to what is the last complex technical issue. One that is environmentally sensitive, cost effective, practical and technically feasible. The Coastal Conservancy when it was created by the Legislature 30 years ago was charged with assisting in resolution of environmental issues and disputes. We are optimistic that given the intelligence and good faith and experience of people in this room that we can come to good solution. Just a couple of comments about the process from a personal standpoint – we've got a great facilitator here; somebody that the Coastal Conservancy has worked with a lot on some very difficult issues; but a lot of work that needs to be done around the table is individually; one of the tenets of this new resolution is that people move off of positions and focus on interests identifying those interests in trying to address the concerns that people have; another point is that listening skills are often much more important than debating skills in a conversation like this; I was associated with a committee-based resolution program in San Francisco for ten years and one of the things that we had in terms of the process was to get each party to repeat back what the other had said; to acknowledge what the issues and concerns of the other side were because through that process it essentially requires you to take some ownership in helping resolve it (with as many people and as many interests around the table that's practically impossible); but instead of the tendency that we all often have of thinking about how you are going to respond to someone and demolish what they just said with your superior intelligence and experience in your response it's often much more important to understand where somebody's coming from and how we can collectively address that particular issue. There's an issue of primary concern to the District and Matilija Coalition or Ojai Valley Land Conservancy we're going to have to figure out a creative way to address all of these issues and come up with collective solution. (Thanks everyone for participating.)

PRATT: Just hope to get the project out of sleep mode and move forward again.

BUXTON: There's a lot of great support and lot of great general consensus during feasibility study and I am confident we can regain that and through this exercise as the charter states, I am confident we can do that.

BENNETT: There is a genuine attempt to create a new and fresh approach to focus on this fine sediment and where we are on the situation at this point in time. That is why Mary was asked to be here; she comes highly recommended; she's a senior partner with the Center for Collaborative Studies and skilled at these kinds of facilitations and has been at this for a very long time.

SELKIRK: *(Provided information on the Center for Collaborative Policy.)* CCP's mission is to help public agencies and their communities and their stakeholders do a better job of public policy development and consensus. We work on a lot of environmental issues; a lot of natural resource issues; that has been my area of specialization for the last ten years. There is no agenda here other than we help to support you in a transparent collaborative mutually respectful problem solving process that will result in a set of recommendations on what needs to happen next on this challenging issue.

I just want to take a couple of minutes to talk about the objectives today. There are a number of objectives today which are really the Setting the Table Day. From coming from North California, I lived within view of the San Francisco Bay. And for those of us in Northern California in the Bay Area the San Francisco Bay is like our Yosemite. And it became clear to me that in talking with many of you over the course of the past several months, that the Ventura River and Matilija Dam removal is your "Yosemite;" that this project means as much to all of you as the American River Parkway does to people who live in Sacramento as the San Francisco Bay does to those who live in the Bay area. It is wondrous to me and indicates the depth of both the dedication on this issue and also the deep emotional and heart connection that you all have to this process. Originally we had this idea that we would convene a study group that would finish its work in about 6 weeks. That we would have all of you around the table for several day-long sessions really hammering out what needs to happen next and we would be done by December. So here we are; it's December and obviously this process is taking a long time to get going. Managing everyone's availability has meant that it's taken longer to get started than we originally thought. There will be four (4) sessions taking place over the next few months.

TODAY: The objectives of today are this: 1) that everyone has a clear understanding what the project funding partners want to see happen out of this group; 2) spend some time this morning walking through the draft charter and that's really about setting the table or framework for your deliberations together. I don't want to focus on the entire charter because there are nine different sections – there are about 4 that I want to make sure we spend time on; this is a draft charter and not finished. Then before lunch turn over to Darrell Buxton who will set the context for what has happened and try to encapsulate about 5 years of design work into a short overview of all the conceptual design development and analyses that went into looking at the BRDA alternative in the feasibility study so that everyone is grounded in what's taken place to date, with the assumptions used in the analyses, trade-offs and conclusions. Out of that I feel that we will start to tease out really where there are

disagreements of fact, data gaps, really what has to be addressed in order to reestablish the kind of momentum, excitement and consensus there was when the feasibility study was completed. We will work through lunch.

Start today with brainstorming your collective definition of what the problem is that needs to be addressed (not the how yet); but based on what you understand the problem is that needs to be addressed. Secondly start to look at where there are data gaps – is there disagreement; is there scientific uncertainty, or is there information that we simply do not have yet; are there conditions that have changed - that would shed some light on what could be recommended to proceed. You're not going solve this issue today; this is a project that's been going on for 10 years. Your assignment will be to make recommendations to the partners about we think this is the problem. These are the recommendations; how you should proceed. And that could take the form of hiring a consultant; doing an independent review, relooking at some of the previous studies that have been done and could be a lot of different things. We don't know that yet. And the problem definition and the data gaps, that is a discussion that will carry over into the next time that you meet.

A couple minutes at end of meeting to talk about public information and how the proceedings of the meeting will be communicated because I know that's something else that is very important. We'll do our best to try and wrap up by about 3 p.m.

Meeting Objectives and Structure

Meeting structure: It is a hybrid process design. My recommendation after doing the interview that I did with many of your around the table is that the Partners have discussed smaller study groups to really grapple and that study group should include all the people that have a stake in this process and capacity to permit it or not permit it and how to do that and how to do that in a way that is respectful to the huge amount of public interest and that there's no way in a group of 14 or 15 people you can get all the needed expertise out on the table. There are invited observers around the room; some of whom have colleagues seated at the table. Others have worked closely through coalitions and other interested members of the public. Today's structure and going forward will be this (and as I've said it's an experiment; we'll have to see how this works)...there are two times on the agenda, one time around noon and the other around three in the afternoon where those of you who are seated around the room will have chance to raise a question or make a comment to the people at the table. My focus is on the information taking place at the table. It's likely when we get into more of the technical discussions or where you start recommending what kinds of analyses should be revisited or reviewed, etc. that you are going to want to be able to caucus with your own people. There may be caucusing that needs to take place with peers around the room.

There are easels with post-it notes: If observers don't want to verbalize a comment, they can write a question or comment on the post-it notes that will then be addressed.

Today Supervisor Bennett opened the meeting but with each upcoming session will have “partners” opening the meetings on a rotating basis.

Process: One of the keystones to any successful collaborative conversation are shown on the slide. She went over the ground rules.

Everyone gets air time; Listen and speak respectfully; All ideas and points of view are valid; Assume differences are problems to be solved, not battles to be won; Honor time; Cell phones off.

Keystones: Focusing on each others’ interest and your own interests. Listen to understand. Walk in everyone else’s shoes. When considering issues of scientific uncertainty or technical disagreement – outcome is 1) option to provide mutual gain (more than one stakeholder around the table); no easy solutions; 2) important to agree on set of criteria to use in deliberations; that means that everyone knows what the deal is; has to have shared agreement, i.e., measures used to decided on whether doing x or y or z.

ISSUES ASSESSMENT: Interviews were done last summer for 2 purposes: To make sure the facilitator (Mary Selkirk) understood what issues were at play, where data gaps were and to assess the interests of those interviewed if moving ahead as a study group was good idea. The outcome was convening of this group.

EXAMPLES OF ISSUES RAISED – very qualitative – just examples.

1. Relook at the metrics used for evaluation of water quality impacts – look at these again. Whole issue of fine sediment in river.
2. Can we look at and really understand the cost estimating done on the downstream alternatives – which were done based on the feasibility study – which is always very preliminary. But really understanding the cost estimating and the conclusions that were reached in their design phase about those costs.
3. Understand and took a look at the sediment transport modeling and change in conditions and any new information, etc.
4. (Half the people interviewed brought this up) Can we relook at notching the dam and doing some kind of phases notching? Looking at that and having a really considered discussion at this point is not under the current project. Is there any way to make that something to be looked at?
5. Downstream property owner objections to sites picked during feasibility study. How were those objections described and brought to bear and conclusions that came out of that. This is not a technical issue.

(These are just some examples of the issues and they are just a snapshot.)

BENNETT: The problem is reaching consensus. The disadvantages of any of the proposed sites that have been brought out so far pale in comparison to the advantages of getting the dam down. I haven’t

something that rises to the point where it just doesn't get there. The issue is consensus; which one of these things can we find consensus on. I've been supportive of all of these because if we could consensus for them they are all workable solutions.

SELKIRK: The question has been asked: Why is this not a group of just technical people; the fine sediment disposal issue is very technical. As you look around the table, some of you are scientists, some of you are technical experts; others are not. You have, however, an encyclopedic knowledge about this whole study process. As I listened to all of you in the interviews, it became clear to me that it's difficult to tease out the scientific and technical issues from the constraints of the community in which this project is embedded or policy perspectives on what the assumption should be about what needs to be protected, etc. That's why you look around this table and you see it's not just scientists. We've got folks with very different policy perspectives as well. The hope is that this group will be able to use its own knowledge and knowledge of local and changing conditions in your communities to help make good recommendations in order to get to a solution for sediment disposal. It's not possible in the next 4 meetings to make decision.

OBSERVER: Verbiage is part of the problem. As someone who's fulltime job it is – to work on projects like this – when you call something a “technical” group it's kind of a term of art with ... fishery services and Dept. of Fish and Game and all the people who do this as a full-time job that a “technical” group is generally “science;” it's the scientists, the engineers, the biologists; that verbiage is where a lot of concern has been generated.

SELKIRK: The draft charter was emailed to everyone, which is the framework for this group. Typically when I work with a multi-stakeholder group, we produce some kind of charter, even if it's a group that meets one time. The charter is oftentimes the ground rules. This is an attempt to lay out and clarify what your job is, what the anticipated outcome is, how often you'll meet, what your responsibilities are as a member of the work group. There are four areas that I want to suggest we focus on but before I say what I want to do I'd like to here from you if you had a particular issue you wanted to raise right off the top on the charter...

BAGGERLY: As an elected official, I don't have the authority to speak for my agency; a majority of my Board would speak for the agency. You have to understand that Steve and I can't commit our agencies ourselves and I doubt whether one person from an agency has that right as well. That kind of language in the charter doesn't make sense. The second item is the gradience of agreement for the decision-making process: I view #3 as something very similar to an abstention; viewed generally as a negative vote; therefore for the proposed decision rule on page 8, that number should not be 3 – 6; it should be 4 – 6.

SELKIRK: Let's discuss that when we get there ... I have a different view on that

Review Study Group Charter Selkirk

SELKIRK: The four sections I wanted to walk through with you today are the SCOPE, which basically lays out your job. The ROLES AND RESPONSIBILITIES of each of you because that goes to what Russ had raised as well; WHAT THE OUTCOMES ARE THAT THE PROJECT PARTNERS ARE HOPING FOR and, finally, THE OPERATING RULES, the decision making process that we'll use today. It probably seems kind of odd to skip over the Mission but the the Mission statement reads like something that was written by a committee, which it was. It started out simple but then it got nuanced but fundamentally the real focus is on what your scope is; basically, you are tasked with agreement on what data gaps need to be addressed and resolved and to proceed toward fine sediment disposal. Partners and SELKIRK would say first and foremost is to seek agreement on analyses or investigations that can comply with or be carried forward under the current authorized project. That may not be the case but that's the starting assumption – that there's an authorized BRDA project that has a specific project description, so the first starting place is, since that seems to be where there's potential for actual funding of this project, let's start from there and see if there can be a set of investigations that can proceed under that authorizing language.

BAGGERLY: Just to clarify that, I think that the Chief's 20 December Letter 2004 is the outline of project – what is authorized.

SELKIRK: The **SCOPE:** You commit to getting shared understanding of the current analyses and the conclusions that resulted from that; that you are together going to define problems/data gaps; that you're going to agree on data needs, expertise needed to address those data needs; and then from there identify and recommend either reviews of work that's been done to date, or new modeling for example or investigations that may not have happened yet that at the end of the day you would also be recommending any other assumptions/metrics that you would like to see applied to this problem. Essentially, you're going to be asked to write a scope of work; maybe that won't happen, maybe that won't be the outcome but that is the anticipated outcome for this group.

Foundation for how we'll be working together:

Joint Fact-finding approach to dealing with technical complexity with scientific uncertainty and there are 4 parts to it:

1. Look at and understand factual relevant questions
2. Exchange information among yourselves about those questions
3. Identify where they agree/disagree
4. Agree on what you think needs to happen next in order to resolve either that uncertainty or resolve what you are disagreeing about. *Distinguish between policy and scientific disagreements.*

Roles and Responsibilities: One issue that came up in designing this group is the fact that this is a very long-term and highly complex project and there have been personnel changes. One reason for how the language is written is to emphasize that you will all strive to represent your agency. You don't deliver your agency; you make a commitment. In the case of all the regulatory and resource agencies, all of those agencies have their top leadership understand this; have had discussions with project partners; they understand the importance of designating that there's one person from their agency that will be at the table whose job it will be to both bring feedback back from the agency and deliver it back to their agency or home organization. You can safely say here's what I reported to my organization and here's what they are bringing back. Your effectiveness is that you can with confidence at the table; say "I think I can be OK with this." That's another reason why we've invited staff persons or other members from partner organizations to be here as observers as well. So if there's any issue about that at least you'll have an opportunity to talk with folks from your home organization. By being here you have committed that your agency is supportive.

GAMBLE: Timeline – I'm relatively new to the process – a year and a half. How is this process going to be able to reach consensus in two to three months when other issues have taken months (i.e., 6-8 months).

BAGGERLY: He envisions this process as not being tasked with the design of the ultimate solution for fine sediments. We may be tasked with how to provide for a group of technical experts that may come up with a solution or both; we may brainstorm ideas and put them down on paper decide that a group of experts could take a look at it and see whether that's feasible or not. I want to go back to the previous issue – if I say I might be able to live with that, you can't say that Casitas is actually signed onto the signature page because I haven't taken that to my Board yet. It is going to take some time; I have to keep them informed and they have to tell me what I think about that.

GAMBLE: Went back to the mission statement; the mission of this group is to agree upon a solution to dispose of the fines.

BAGGERLY: That could be one thing that we do.

BENNETT: One question would be: I can live with this or is it I believe our Board could live with this; I can't guarantee it but I believe they could. That's a little bit different.

BAGGERLY: That's a possibility. We will be presenting and defending and/or offering the things that are in the best interests of Casitas and that's about as much as we can do. We'll try to be creative and proactive about the issues but that's what we're here for.

SELKIRK: I'm wondering if Betty or Brian or Chris as one of the resource agency reps at the table might respond. I think Greg you raised a good question about timing and dealing with chains of command, etc.

COURTNEY: Dept of fish and game committed to the project and it's her task that she gets this information out to other staff and managers in a timely and efficient manner to allow time for discussion and decision-making. They are committed to working on this project and be a good partner.

CLUER?? NOAA as been committed all along; he also has the concerns that Russ does; we currently have our Councilors looking at the charter and expect to have feedback from them to see exactly what role we can play but we are committed to helping move the process along.

CLUER??: For NOAA fisheries, I'm sitting at the table as a technical advisor; my expertise is on sediment and filluvial _____ology and I don't do the regulatory side; I advise to the regulatory side. We've got great depth here with Rick Bush and Mark Capelli behind me and NOAA's been committed all along to move this project along. I can't commit to what I agree to here; it still has to go through our regulatory process. But having my colleagues here with me we have a communication coordination going on real time.

SELKIRK: For those of you who have some regulatory authority, what this charter gets at is challenging all of you to live in 2 worlds – agencies with regulatory authority – typically what you're asked to do is look at a project, deliberate and then make a decision about whether you're going to permit or not or under what conditions or whatever. That's the world you live in. That won't change; just like Russ is one member of an agency with a several member board. We're not asking you in any way to see that; that the fact that you live in that world. In this world, this is a world of collaborative dialogue; you are making your good faith effort to negotiate or deliberate with everyone at the table and in good faith to communicate back to your individual Boards.

Signature page ... there is a signature page at the back of this. This is a placeholders; kind of a way to metaphorically to invite all of you after you have had a chance to sleep on this charter to come back at the next meeting and I'm going to ask each of you to say "we can get there; we're basically OK with the basic structure with all of the provisos that you have named today being aware that some number of you live in two worlds" and that some of you really live in bureaucratic worlds that have lots of chains of command. The spirit here is that by being here you have committed to not just show up at the meetings but you are an active advocate, meaning you commit to communicating with your coworkers, colleagues and managers; if there's a problem, that they tell you about it then you bring it back here for discussion.

Mission: Currently suggest the group crafts a solution.

???: Is everyone comfortable with the signature page? I'm a little nervous.

???: I'm still not sure exactly what it means. Is it committing to defining a fine sediment solution?

SELKIRK: No. That's a good point. That's why I did skip over this mission statement. This mission suggests that your job is to craft the solution. And if after four meetings you decide you're on a roll and there's resources and time on everybody's calendar to continue, that may ultimately be the mission that you take on and I think both Greg and Paul that you're correct in pointing that out. You're more circumscribed scope within that mission is to identify what needs to happen before you can craft a solution or agree that a solution's already there with some tweaks.

DARRELL: It does say that in the last part of that sentence. It's the first part where the focus is addressing and resolving the stakeholder concerns because as we talked earlier, some outcomes of this, we've identified a gap, we need to fill that gap by this. In 4 meetings we're not going to have that result of that this yet but it's only the recommendation for that scope of work I guess. I think that some of the hope that we had is we've got a lot of good information and as we review it and reflect on it that maybe there's not as many gaps as are perceived out there and we could move forward. That's one possible outcome of this.

JENKIN: The concern that my groups has is that by signing on to this is that we sign onto this decision-making structure and that process that's being outlined here because from our perspective we feel like underdogs. The way that structure's been set up; in terms that the way it's worded in terms of project partners and whoever all the rest of us are and in terms of the fact that we have there is one representative for multiple organizations and interests at the table. That it get distilled down to technically one vote that is only subservient to the main vote. Just the way that that's worded, it creates a lot of concern with our group.

SELKIRK: That the groups that the Coalition represents don't have an adequate voice at the table?

JENKIN: It appears that the way that's written it may need to be vetted a little bit more. Is that we're signing on to and then signing on to a final decision? Perhaps not the final decision but rather more the next steps but at the same time our voice might be overwhelmed by that process as its set up. (Selkirk asked him to turn that question into a statement. What would make it work from his stand-point?) I look at the way that there are multiple representatives for single interests or agencies and we represent multiple interests for a subservient vote.

GAMBLE: The way this decision making is set up is there could be a consensus decision involving a solution that does not have the support of the Fish and Wildlife Service, the Dept. of Fish and Game, or NOAA, but it would be described as a consensus decision because those people wouldn't be needed to support a solution if it got 6 of 10 votes of the non-project partners. For me if this is about fish and steelhead in particular and those entities said "wow, we strongly oppose that alternative, they're the fish people in the room;" it's hard for me to get my mind around and idea that the study group has a consensus opinion because they only had 3 votes out of 10 of the non-project partners. I'm still trying to get my head around that from a process standpoint if we're trying to come up with a solution for steelhead.

SELKIRK: Let's discuss that as it speaks to both the issue of membership and the challenge of having a smallish working group and at the same time representing a diversity of views and at the same time having a decision rule that doesn't in some way end up...I think in reality that would never happen; I don't see how any of you would allow such an outcome to happen but nonetheless I think that a decision rule that is described as a consensus rule has to work and be designed in such a way that it reflects the sentiments of the group. Page 7 of Draft Charter. Consensus is designed this way: there are many ways to get to yes other than doing a majority vote. What we typically do at the Center for Collaborative Policy in these kinds of settings is have a decision rule that allows for a range and really communicates the absolute importance of ensuring that everyone involved in making a decision has been heard; that their amendments have been considered and that they can also register themselves on a scale allows them to say yes even if tepid yes. One suggestion to amend the decision rule, for is that no recommendation goes forward if there are a certain number of people that are 1 or 2 on the scale. Not the just a majority of the non-project partners. Meaning that if there are a number of the groups that are 1 or 2, the recommendation won't go forward. That's one suggestion. Another amendment would be that for purposes of the 2 entities with 2 people at the table, you consider yours to be ONE vote. The hope is that there won't be a voting scenario. Gradience of agreement is used as a way to 'take the temperature' of the group to make a recommendation (used as a tool and not the ultimate rule itself) to reach consensus. (Asked for comments on this from the group. And asked for an informal head nod on revising the decision rule. Any thoughts or concerns about Paul's concern about being the underdog in the fact that the Matilija Coalition has been tasked with representing lots of different organizations who are not at the table.)

BAGGERLY: If we could address Paul's issue, if you look at the Mission Statement in the first sentence, you might consider changing the word "VIABLE" solution to "POSSIBLE" solution so it isn't quite so set in concrete.

WICKSTRUM: I guess as a fact of the matter, we're not going to have all the analysis done. No one can say it's viable until we do that.

BAGGERLY: And for Greg's issue, ... (can't hear)

VOICE: As we all balance it out, if we look at what is on the listing, I think that we're all stuck with the same problem in that we all have our own interests in Casitas protecting its water supply and water quality and the fisheries in whether we're all moving together as one to come to a conclusion. It doesn't matter to me as far as a vote. I agree with your position; if that's what we're doing is really using it as a gauge where we finally boil it down to a couple of things that need to be done, data gathering, assessments or something else. As a gauge, we feel act that the group as a whole can see those as things worthy to go ahead with. When we get to that final one or two solutions, that's when it really boils down to taking a look at how each one of us is going to be benefitted, harmed, by the process that's going to occur. That's when the rubber's going to meet the road and we're going to have to

express out what we are going to be doing at that time. But I think this group in 2 months (when dealing with this for 10 years) it's impressive given what has occurred so far. Limited to where we can go in 2 months. I think we're going to try to get more meat on the table to allow it to brew down before we can come to a conclusion unless it's your goal to try and reach it; if we can reach a decision it's great. I think we've got a lot to go through.

BAGGERLY: What about the idea of Mary's – of not allowing a proposal to move forward if there's anybody that's on the gradient of 1-2.

WICKSTRUM: I think that gets to where we see some merit; right now we are trying to see some ideas to determine viability of different ideas. Somebody could shoot that down immediately.

GAMBLE: What level of agreement needs to come out of this group to allow the funders of this project to say YES there is sufficient agreement from the locals that we can politically go forward with this project. The people who are holding the purse strings, do they need consensus as defined by 100% or whatever is the consensus that's in the scope? What do the decision-makers need to go forward?

THIEL: Speaking on behalf of my agency, I don't think this project will move forward unless there is general community support for the solution to this issue. You're never going to get uniformity. The Coastal Conservancy works on a number of really great complex projects, including Malibu Lagoon, _____ Wetlands, which are both subject to intense criticism from a small group of people who think that the designs and so forth are unsatisfactory, wrong, or whatever, for a variety of reasons. So I think it's one of those questions that you'll know it when you see it. But in general I don't believe that we would go forward with funding until this particular issue is resolved to the general satisfaction of the community and the majority of people around this table.

SELKIRK: Mission statement: I want to circle back. With respect to the Mission Statement, Russ I think had suggested changing the word "viable" to "possible" as a way of being more true to what is actually being done at the table. Would this work for Paul Jenkin?

PAUL: It still depends on what we are voting on. If we are voting on a specific alternative that would be the outcome of the meeting or if we are voting on a process to vet any of those. But, sure that could work.

SELKIRK: It's the latter. I think it's unfortunate that the Mission Statement doesn't state that clearly. But realistically within 4 meetings, your job is not going to be to craft a solution; besides you can't do that around this table. Your job is to look at where the real sticking points are that need to be revisited or new information that needs to be generated for you and all your constituency groups and the larger community to reach that kind of broad support you had 6 years ago.

PAUL: If word-smithing makes people feel more comfortable, let's move on.

SELKIRK: Will make that change in the mission statement. I wanted to go to the Decision Rule. There are a couple of things: one as Russ pointed out from his standpoint is that “stand aside” is the same as “abstain” which is kind of like a passive way of saying no. So your recommendation was that a consensus outcome of this group would be that the majority of the non-partners and all the project members (3 funding agencies – the Corps, the Conservancy and the Watershed Protection Agency), that a consensus outcome of this group would be on 4-6 and not 3-6. I’d like to know what you all think about that.

VOICE: Asked to repeat what she said about funding partners.

VOICE (Thiel??): The “funding” partners are the partners. The Bureau is not a funding partner so they’re not a project partner necessarily. They are in the charter though.

VOICE: Are we changing the charter?

VOICE: I’d probably disagree with that. They’re not funding the project but have been on the project before the Corps. We’ve been working as a team; I do consider the Bureau a partner.

VOICE: Yeah, but they’re under contract to you.

VOICE: We aren’t funding partners but ... we have facilities. Our management will have to agree obviously but so far have not disagreed.

SELKIRK: I think that’s a good point certainly for what is meant here by project partners. My understanding is that it was the funding partners.

JENKIN: I would point out that the Dept. of Fish and Game and NOAA fisheries and Matilija Coalition also participated in funding of various aspects of this project. That goes all the way back to Bruce Babbet at the dam. We’ve been actively engaged in and bringing funding to the process as much as we can throughout. We don’t have \$150 million in our back pocket to do this but I don’t think anybody does at this point. The reason I’m bringing this up is that this process began in the 90s as a collaborative process and that all of us were equal partners and it appears that the process is changing and has changed since the feasibility study was completed.

BUXTON: This is my opinion but what with the Federal authorized project, the corps brings \$ to the project and doesn’t do anything without a project sponsor or partner. We don’t cost share with private groups; that’s how I looked at this; it’s a federal project as what defined in the Chief’s report is the Corps and Ventura County and Ventura County’s getting a lot of their funding through the Conservancy. Not to discredit or not recognize overtly all the work that’s been done to get us here; it’s not a cost-sharing issue.

BENNETT: I appreciate what Paul is saying and the idea, we've talked all along; easy for anybody to stop this project. Almost anybody sitting at this table has veto. Matilija Coalition certainly does have that and I think we have to come up with something that recognizes that is the case. If we sign onto this, we could be opposed to this. If we sign this page, it means we're in favor of going forward. We could just say, hey everybody's got to be on board. In the beginning, we just talked until we got everybody to say they were on board during the Feasibility Study. Wouldn't you agree – at least all the major players had to be there including Matilija Coalition, etc. So I guess I'm trying to make a distinction, the more you had that be the case, Mary you were trying to identify procedural steps that had to take place as we're moving forward here. And as Steve says, you don't want to have it be to the point where we can't move but the more you have the recognition the greater the chances that we don't reach consensus as we go forward. I don't see anything major moving if Matilija Coalition isn't in favor of it or if the Corps isn't in favor of it or the Watershed Protection District. I'm willing to come up with something that recognizes that. That is the issue they are bringing up. That aside, and I'll say this other thing that ultimately it doesn't mean that anyone gives up the right to say they are not in favor. We all know what that impact is.

SELKIRK: What would be a solution for honoring the fact that everyone at the table is a "partner" on the project; the charter does distinguish between those putting in big dollars now; is there a way that one of you can suggest to somehow re-do the decision rule that doesn't in some way doesn't cross some bright line that may only be true at this point in time that may change in two years, depending on funding and resources, etc. This issue of non-partner or project partner; that sounds like that doesn't sit well with some of you.

CLUER: If this were a technical study group, we could have some more open dialogue and not worry about consensus so much and then report out to the partners and offer recommendations. I feel really constrained trying to wear both hats of NOAA and also be sensitive to all you sitting here in the room that are also wearing multiple hats. I really feel like we're boxed in can't make a lot of progress on technical issues.

SELKIRK: What would you suggest to do as a way of getting out of the box from your standpoint? What would work for you?

CLUER: A Technical study group of experts in sediment management. Review where we are today and review assumptions that were made, review constraints that were carried forward and give technical analysis of the project as it has evolved and make recommendations for different directions that might actually work out as possibilities.

SELKIRK: I think that's the working assumption that that will be an outcome of this group; that this will produce a scope of work to go to such a body. This is a precursor to that. As a NOAA participant, how do we know when we've reached consensus? This is a trial balloon decision rule and I've heard

objections to it both in terms of scale itself; what would represent consensus itself and Russ had opposed a trial balloon that anybody who registers him or herself 4-6 that that's a consensus decision. Here's my trial balloon that for purposes of this group (corps, conservancy and county) that one of two things; either we eliminate the distinction between project partners and non-partners in terms of consensus outcome...let me put that one out on the table for discussion.

THIEL: (Can't hear Thiel...) As a public agency it's our obligation to try to represent the Conservancy's interests and the project partners and interests of the community as well. That was one of the issues that I was trying to make at the outset of this. That they won't get to a solution until they recognize and acknowledge solutions for the other interests and concerns.

BENNETT: Seems like ... does that mean....I'm fine with Matilija Coalition having the same voting power as everyone else.

BUXTON: Corps is ok with that; the things that the Corps was always a little nervous is the outcome of any technical group coming back and saying this was what this technical group has looked at and then having to put it through the Corps process and then having to come back and say we need to do something different or changes are recommended. On the surface of recommending alternatives, it can be done.

SELKIRK: Let me way why I think that would be a good direction to go. All levels of contributions (material and dollar contributions) for the last many years; even before, starting in the 1990s. Don't belabor who has money in the pot right now for distinguishing the purpose of this group at this time. I'm going to ask for an Informal head nod that the consensus decision will be no distinction between project partners and we'll have to rewrite the charter to reflect that difference. Essentially the decision rule is that everyone around the table needs to be at the right end of the gradience of agreement spectrum for a consensus to come out of this. And Russ has suggested that everybody has to be either neutral, you're okay with it or it's been okay in a way that works for you or you really like the recommendation. The only reason that I would suggest keeping the decision rule at 3-6 is because you're not a voting body in a sense but you around the table you really might not like a particular recommendation or idea at the table but you will stand aside in order to let it go forward. That it's still a kind of unenthusiastic OK but it's not a no. (Question about what "neutral" versus "abstaining.") Neutral means that your agency doesn't care about this particular recommendation. I doubt that would be the case but we could collapse those into a five number scale and number 3 is stand aside ...

BENNETT: Let people say they don't like it but they won't stop it.

PROJECT PARTNERS ARE MEMBERS OF THIS GROUP. DECISION RULE WILL BE REVISED ACCORDINGLY. IT WILL HAVE TO A UNANIMOUS 3-6.

Elements of the Charter: Recipient of your recommendations will be the Corps, County and BoS and the Casitas Board no doubt will be hearing about it. But the formal recipients are the County, the Conservancy and the Corps.

DISPENSE WITH THE SIGNATURE PAGE IF IT BECOMES BURDENSOME.

ACTION: Between now and the next meeting ... review and then approve the charter the next time the group meets. Discuss with your agency and come with either approval or specific proposed change.

ACTION: SELKIRK will send out a revised charter based on today's discussions.

1:43:14

BUXTON: Setting the Context: Status of Fine Sediment Disposal Analyses & Conceptual Designs

Where we've been; what we've done. The project is a big one. There are nine features on it. This is one key element of the project; how to handle and deal with the fine sediment. That's where we're going to focus today. I'll talk about what was done during the feasibility study; some of our ideas and concepts for the design and then conclude with some of the questions that we've been addressing all morning long. How do we get back together of one mind and understand the information we have; identify gaps if they exist and move forward.

FINE MATERIAL DISPOSAL

Background/Overview/Timeline/Status

Feasibility Study Detail – Fine sediments

Design Phase Details – Fine Sediments

Consensus – Current State

Conclusion

CLUER: What is "disposal" in this context?

BUXTON: The location where we are putting this material. 2.1 million cubic yards – that it's moved and then gets disposed somewhere. In the feasibility study areas were designated as disposal sites.

CLUER: Doesn't include full continuum or even a partial sediment management? The river having some of it? Ending up in ecological beneficial place like a beach or along the flood plains? Is that really what this project is looking at? Disposal options only?

BUXTON: What was authorized in the Chief's report is to slurry .. it's primarily silts and clays ... I think during the feasibility study it was identified as not stuff that would be or stay on the beach. Stay in water column and go off the channel, the shelf. Wouldn't contribute to beach. Other stuff...the sand, cobbles could make it to the beach. This stuff clogs water diversions, could affect wells; if left in the water could affect fish survivability. Looked at as something that needed to be metered carefully.

MAN NEXT TO COURTNEY: In the feasibility study, we looked at all modes of dealing with fine sediment management; natural erosion disposal. The selected alternative included slurry of 2.1 million cubic yards of silts and clays.

BUXTON: In the end it was a disposal feature for this part of the project recommendation.

SELKIRK: Setting the table for this discussion: A number of folks that I interviewed asked what happened to Alternative 4b. Buxton will lay out what has taken place based on 4b, which calls for these downstream storage sites. It's not revisiting the whole decision-making process through the course of the feasibility study but all the work to date based on that preferred alternative. You may as a group feel there are some assumptions you want to revisit. But this first piece is about educating you all again as a Group to familiarize yourself with what the assignment was in the design phase to the Corps based on the preferred alternative. I am going to encourage you to ask clarifying questions.

BUXTON: First official government action was resolution in 1999 by Board of Supervisors that created need and direction and request to the Bureau of Reclamation to do an appraisal report April 2000; October 2000 then-Secretary Babbitt did a demonstration on methods to remove the dam. USACE authorized to use funding to do initial appraisal 905b report...might there be a federal interest in restoring eco-systems? A Key component of that was removal of Matilija dam. Initial study done in 2000 saying yes there is opportunity. Moved fast through feasibility study...initiated in 2001 and finished in 2004 and Chief's report in Dec. 2004. Started in July 2005 in design phase; still in that effort; done lot of good work on the number of features identified in the recommended plan. Held many public meetings; stakeholder meetings; bi-monthly and quarterly; frequent stakeholder meetings; subsequent to the stakeholder meeting there were technical meetings; also called in a number of outside experts and panels. Tried to pare that org structure in the design stage. When the Corps moves into design, the task is to refine in preparation to construct; but the need for the detailed planned formulation type exercises didn't exist during the feasibility study. We had a task; we had an authorized plan; we were going forth to identify if it can be done.

During feasibility study one big components (and it's a tough one) is trying to keep people whole; in reviewing this presentation, it's a little bit of a misnomer but we really tried and strived to do it. When we take down a dam and raise levies, there are impacts but they are trying hard to keep people whole; keep water purveyors in operation, not elevate flood risk to potentially affected folks.

PRATT: That had more specific meaning. What we committed to was that we weren't going to compare the "after" project condition with the "without" project condition; that would have maximized benefit. We instead compared the "after" project condition to the 2004 state of affairs so the dam hadn't filled up; sediment hadn't been spilling. The impacts we were dealing with were of the project were much larger than the impacts we would have dealt with had we compared the project to the "without" project. That's subtle but it's key and that may be some constraint that can change in the future but that was the commitment that we made to everyone around the table and it drove a lot of designs that were made during the design process.

Mary asked him to state again:

PRATT: Typically when you do a CEQA document (NEPA/CEQA) the work product that came out of the feasibility study, which were unchallenged; one of the reasons they were unchallenged was what we call "keeping people whole" and what we agreed to was not to ... typically when you do an environmental document you compare the situation after you do your project to the situation that would occur without having done your project. So the "without" project condition arguably could have been considered to be sometime down the road when everything's full behind the dam; all the sediments were coming over the top or a lot more of them; not all of them but a lot more of them. Instead we compared it to the condition at the time the environmental documents were approved in late 2004, call it 2005. So the impacts of our project therefore were much larger than they would have been otherwise.

BUXTON: That is a key element. That's different than other NEPA/CEQA processes and typically in the Corps process too is that without project condition we compared it to (talking over one another).

PRATT: My recollection is that issue was largely driven by the Water Districts right? And there may have been some environmental groups who bought into that but that was my recollection and it drove some of the process. So if you wanted to minimize impact or minimize what we would consider the project's impacts you would compare it to the without project condition or with the dam being full down the road because our project would not look as impactful as that situation.

BUXTON: We tried to keep things to today's standards I guess. Another component to this is available land; we'll talk about what we addressed or looked at for handling and managing the fines. It's a lot of material and how and where to put the material is a critical issue so it has to have a specific area that's identified and can take the material. The study as a whole there were primarily 3 areas that the HEP evaluated – riparian; fish passage and natural processes. The benefits were realized from the coast all the way above Matilija Dam; I think we identified 32 miles. 16 above 16 below. So elements of the

arundell removal and the native vegetation – those pieces came in and that's part of the ecosystem restoration plan. The other key component, and I think the poster child for this project, has been the steelhead and fish passage and hence the need to do something immediately for Matilija Dam. A lot of things we looked at didn't realize the passage of fish past Matilija Dam unless you take the dam down right away. The sooner you get passage, the sooner you get environmental benefits, the more valuable the project is. The other feature is the natural process. This is where the sediments and the nutrients and all those other ecosystem environmental components come into play and I think there's some cross-pollination with the others as we get fertile soil, we get better ... But those are the 3 areas and there's also a component that's an ecosystem component for the beach replenishment as sediments get to beach.

Another key component during the feasibility study was the expectation it is better to have the project implemented quickly; see the impacts and let the environment come back as opposed to a series of impacts on the environment. You've heard it termed as the total biological annihilation is better than the persistent or frequent or the chronic impacts over the number of years. We want to have something restored and have nature come back without getting hit over and over and over. We talked about water quality as another critical feature; ½ the water that feeds Casitas comes from Ventura River and the whole watershed is a completely self-sustained watershed. There's no imported water so it's an absolutely critical feature to make that ability maintained.

I've listed funding as a constraint and I wanted to talk really about the time element of it. I think there was some discussion in the formulation of plans as plans that took a long time to build. What's the real likelihood of the project getting implemented? Thinking that this project is going to be on the books for 30 years if that's what it takes to implement that project. We wanted to do something quick and it spoke back to the environmental evaluation in the HEP piece as getting those benefits now helps the project; delaying them when you annualize it we don't get as many benefits. And there's lots and lots of efforts .. looking at this slide again, the consensus is not necessarily the constraint; gaining consensus certainly took lots of effort ... (lost audio). But we did; I think there was general consensus in the study.

SELKIRK: Trying to capture the various assumptions that Darrell laid out that formed the basis of the consideration of sediment disposal solutions.

From a water quality standpoint, the fundamental assumption was we have to keep Casitas Water District "whole." That there cannot be severe water quality impacts to the Water District with any sediment disposal (or any of the water districts – Meiners Oaks, Ventura County, City of Ventura). That the fine sediment disposal wouldn't worsen flooding. The decision that the CEQA documentation would not do a without project analysis meaning that you would not be considering that year and the not too distant future when the dam was going to overtop and the river would be free-flowing over the top of Matilija Dam, which is off in the future. That the 3 central HEP components were riparian habitat restoration, fish passage and restoration of natural processes. Finally that there was an agreement that

doing a one-fell swoop, one instance of dam removal rather than phase over time would be preferable rather than to a more phased approach; that would have a ... pace of environmental impact.

OBSERVER: One comment for clarification: it was fine sediments. The project was designed to ensure you didn't increase the flood threat; it's more the coarse grain type of sediment that could potentially induce flooding.

SELKIRK: So this flooding issue doesn't tie in to the fine sediments

VOICE: It's the other 4 million yards that's still up there.

VOICE: And there is that under all ... this alternative is to come downstream and we've mitigated it through the high-flow bypass and building levies. I don't thinking flooding is an issue.

SELKIRK: Ok I'm going to take that off.

VOICE: If we were putting the disposal sites in the wrong place it could make flooding worse but the sites we've picked wouldn't significantly affect flooding.

BUXTON: Some alternatives looked at to handle the fines and some of them avoid handling the fines:

Do nothing – leave it there; don't realize any benefits.

Notching – the longer you take to take the dam down the longer it takes to get fish passage the less your environmental benefit uncertainty regarding future funding supply to actually get the project implemented.

Trucking – 1000s of trucks perhaps a day even to move this material at a considerable expense

Conveying the material – similar to slurry – moving with water and pipes

Upstream sequestration – mostly at areas above dam reservoir; up higher in the watershed to differentiate it from the USA option

Agricultural grading

Daily cover at landfills

We tried to look at lots of alternatives to handle the fines. Part of a Leave in Place we looked at fish tunneling between South fork and Matilija reservoir and leave the sediment there.

JENKIN: Notching that was analyzed was just straight two-phased, taking half the dam out at once.

BUXTON: We looked at single notch and two-notch.

JENKIN: We call the single notch the "blow and go." I just want to clarify because the diagram there sort of alludes to progressive nothing and that was not analyzed.

OBSERVER: Multi-notching was considered on a preliminary basis but dropped and settled on single or two-phased notching and that's what was analyzed in the study. It was considered on a preliminary basis.

PRATT: The reason I remember for us dropping it was we heard from a lot of the stakeholders that they didn't trust the ??? stream or even the political processes to get you through multi-notching period. Because those notches would occur at intervals of 20 years apart. Then there wasn't a way to know if you were going to get funding so I remember that's why we dropped the multiple notching scenarios.

VOICE: And it's in the appraisal study too. It was not analyzed in the feasibility study.

PRATT: We thought we had consensus on dropping it at the time which was why it wasn't analyzed.

SELKIRK: So what was analyzed was a "blow and go" or a two-phased. I think this is an important to get grounded in because it did come up in a couple of the interviews.

BUXTON:

Preferred options were slurry:

BRDA – Baldwin Road – the four areas (points to map)

MODA – Meiners Oaks

Agriculture potential sites

Final recommended site was BRDA – 4(b) and included in the Chief's report. Part of that is just a section of the slurry line, the dam is up here, Meiners Oaks is about 3-1/2 miles from the dam and the bottom ... so there's a slurry line component that's missed in this presentation that impacts the area that's not shown on this graphic and hence the purpose of this is that there's a slurry line and a water return line that follows from the dam all the way down to top Baldwin Road down continues even further down a total of about 7-1/2 miles at the furthest Baldwin Road site.

MAPS WERE POSTED AROUND THE ROOM TO USE AS REFERENCE.

JENKIN: Clarification wanted on return line.

BUXTON: Yes, part of the recommended plan was to pull it off Casitas and up the canal.

JENKIN: No, that would be the source line. So when you say return line the idea came out in the value engineering process that we could recycle and reclaim that water and pump it back up. So that came in the final design process.

OBSERVER: Feasibility was using same slurry line in dual-mode process. So we were slurring material down but we were going to try to recycle some of the water and use the same line and pump it back up.

BUXTON: So we had water from Lake Casitas up the canal slurry down and return back up in the feasibility study. So we had both.

VOICE: We had discussed that in the latter stages and were going back and forth.

VOICE: But it was refined definitely in design.

JENKIN: I brought that up because there was a cost associated with that ... having a dual line .. and the process by which you would separate the water.

VOICE: Have to look at the details and how it was broken out in the feasibility study but definitely refined in the design and hence one of the reasons we're where we are is those refined details and costs.

BUXTON: After the slurry process, it would be a trail that would remain in the same footprint. Is also in the recommended plan.

WICKSTRUM: Identifying water source for slurry was not identified ... cost analysis was pumping from Lake Casitas. Reached an agreement that it's not directly out of the lake (worst case scenario was installing pipes and drawing water). Amount of water has been agreed upon; how to draw was not.

SELKIRK: So you're saying that identifying the actual source of water for the slurring ... there's not a final decision made on that.

VOICE: I don't there was in that design stage but it was looked at I think in cost analysis in what it would take.

SELKIRK: So the cost assumed pumping from Casitas?

VOICE: Yes correct.

BENNETT: Some tentative agreement was reached with Casitas.

VOICE: We've reached an agreement that it's not directly out of the lake. It comes off the system rather than running a long line. Like I said, we looked at the worst case scenario of drawing it out of the lake rather than installing a very long pipe line to do that with pumps and other things when we could take some of that water off of our system.

VOICE: An important part of the baseline conditions also is that leaving the dam in place we were working on analyses to try and estimate how much additional material may accumulate behind the dam. I know there was mention of it earlier but I wanted to point that out again. We've got 6 million cubic yards estimate to be behind the dam right now; if nothing is done we see up to 9 million cubic yards could accumulate over time and it depends obviously on the storm scenario but I think that's a really important point to continue to consider. You could have an aging facility that much more and you're going to have quite a bit more material.

BUXTON: There was lots of effort and time that went into feasibility study and preparation of the environmental docs. What speaks to that is there were no challenges on the EIS/EIR because there was so much involvement and coordination and acceptance of the plan I think before it was finalized.

OBSERVERS:

JIM: There was mention about water quality on one of the slides but I think more of the discussion was on the water supply side. Water quality - one of the major considerations was turbidity for water purveyors but not only that but we talked a lot about it with the subset environmental working group and they came back with... active plan formulation group and there was a lot of concern about levels of turbidity and potential effects on steelhead. That was a discussion that occurred over and over again and we never had an agreement on what tolerance level was for steelhead but were looking for in our analysis. The other aspect I wanted to mention was

VOICE: - BAGGERLY: Are you suggesting then that you're looking for an NTU unit to protect fish?

JIM: During the feasibility phase that's what we were looking at what is a tolerance threshold that we could work from a design perspective to see do we meet or exceed that level based on one alternative design or another. That's what we had looked for through that formulation process.

VOICE: That's one of those things that the blow and go kind of options didn't score as well because of that expectation right?

JIM: Yes.

PRATT: One of the problems we've had with this project is that we've never been able to fully engage the Regional Water Quality Control Board and that has re-occurred. But when we've talked to them about fine sediments they've always said that it's considered a pollutant and they have significant permitting authority on this project. When a lot of the formulation of the alternatives were trying to guess at what they were going to require and how much we could push the envelope with them. And watching you put things down I didn't know if this was the right time to insert that.

JIM: Benefits and timeline: Was making a difference on the time and scenarios of multi-phased components; benefits attained right away for reconnection of the aquatic habitat you're much higher benefits when you compare that to the baseline condition over a 50 year time frame. If it's under a scenario where it's a multi-phased type notching approach we didn't attain quicker benefits. There were some other options that we were looking at too – the full restoration of reconnection of aquatic took decades to achieve.

BAGGERLY: Bring back the difference in cost estimate of slurry pipelines now that we have a more definite view of what may happen. There's going to be a cost difference. Bring back that money to the table. There's an agreement now that the slurry line's going to come off our system, you're not going to have to run the pipeline from the lake all the way down the canal and put in pumps and all those other things. That's a cost savings. We should know what that cost savings could be because it could be applied to the \$20million dollars.

VOICE: In summary I think it's reflected in your presentation later but the cost breakdown I don't have with me. (Next time).

BUXTON: Feasibility estimate was way low so there's no cost savings. The design cost for the feasibility study is way higher than identified in the feasibility study.

Sabrina Drill with UC Cooperative Extension: I was one of the members of the environmental working group and I want to add a couple of comments that aren't really related to each other but to things that have gone on earlier. I think there's a nice analysis of the fine sediment in the NOAA biological opinion related to Robles that could be applied here that Rick Rogers (?) prepared. Might want to take a look back through documents at that because essentially there's the suspended sediment issue and then there's the sedimentation related to spawning gravels issue and I think he addressed those in that document. Note that this morning's decision-making process ... thinking ahead to public outreach and looks a lot more like the general definition of "consensus" ... so when trying to communicate with the general public it would be nice when you use the term consensus it's easy to recognize what you have so you end up with what is generally recognized as consensus. The last time I want to clarify: Beach nourishment not having an environmental benefit – we did look at the environmental benefit because we're think about the species - snowy plover ... suggests looking at the assessment ... in terms of sediments and fines. I'm not sure what the results were, I just remember we had a fair amount of discussion about actual beach habitat, specifically for snowy plover but for other species as well.

JENKIN: Beach habitat benefit **Not** included in the HEP analysis. It was a point of contention.

VOICE: It was included in the analysis thought. There's 4 million yards going down stream and the amount of additional sands being supplied to the beach is being quantified. The HEP is a separate analysis and we did a sediment study showing how much additional sand is being supplied and what I think that's where it ended. I don't think they tried to incorporate that number into the HEP analysis.

BLAIR: Acreage is habitat which would be either improved, restored or created as a result of the project.

VOICE: There was an early analysis by Dr. Bailard who tried to quantify what the increase of beach width would be but it was an early analysis so weren't able to take that and convert it into habitat acreage.

JENKIN: The study boundary was drawn in the water shed but because it was hard to quantify it didn't extend down to the coast as far as acreage. It went to the mouth but not beyond.

SELKIRK: Were there any negative impacts to the shore?

VOICE: Temporary. I think they looked at some temporary fines being deposited in the estuary.

CLUER: What about the Shelf. We're finding in the planning process that lots of people think delivery of fines to shelf has benefits

VOICE: Offshore was discussed but not analyzed.

VOICE: We actually looked into having maybe the USGS and biological division analyze that in more details and their research program might even cover it. It never got funded.

MATT: Going back to the Charter ... reiterate what Paul stated in MICA (?) in that .. Paul represents one vote but several dozen groups and hundreds and thousands of individual members. Myself being one of those. Some of us have been around since the beginning. I was at the first Matilija Dam meeting in 1998. Was there when Babbitt took a chunk off the dam. A lot of us were not involved for a number of years because we thought the process was moving along just fine and a lot of us have gotten reinvolved in the past few years because of concerns on where it's heading. Sometimes I hear people mention that we've been working on this for so long and I kind of feel like that's not really fair and that everyone here with new ideas should be heard, especially in light of what's happened just in the last five or six years with dam removal science instead of transporting everything else ... (can't hear) One comment on the charter is that I hope we all agree that there's a need for more technical work. This group agreeing on a possible project or viable project; just agreeing on scope of work; fleshing it out ... seems a realistic idea. In relation to what Darrell was saying – mention that suspended sediments wouldn't have a benefit, USGS released a report that said that one of the best ways to address loss of coastal wetlands due to sea level rise is to restore and provide inputs of suspended fines because tidal action rises and up and deposits the suspended sediments in the coastal wetlands. That's how they build. I can forward that study on through but it's a turning point in people's thoughts on suspended sediments and coastal wetlands. And other issue of dismissing notching including want to take the dam down right away to benefit steelhead and that we didn't want to have chronic conditions over many years and wanted to do

something quick and both for the ecosystem and for funding I would respectfully disagree with those assumptions because for one I think funders and public want a good project; if it takes a few more years, I think that's something they would support. And the recent dam removals that have come down I wanted to note the concerns that a lot of people had five or six years ago about devastation downstream have not been realized. The dam removals where they have taken the thing down completely have had salmon and steelhead migrating back through these reservoir sites have completely drained of sediment three days later. Again, gradual notching is far less costly; paid out each year over a number of years / decades – funders more liable to assist.

MARY SMALL: Beach nourishment? Was it fines or coarse?

BLAIR: The beaches is the sand which we're calling coarse; the fines could have some benefit but no detailed analysis performed. But also some negative aspect if a big slug of it.

BUXTON: Design Phase. Chief's report was signed July 2005. 2006 Office of Management and Budget (OMB) cleared project for Congress. 3 caveats: is Corps the appropriate federal agency to implement project? At the time there wasn't documentation that fish passed Robles; fish are passing; (important because it speaks to the overall expectations of funding; the longer the delays the more uncertainty the more risk); 3rd was/is the Corps of Engineers the right agency to do it? It was a non-federally constructed dam so is there a federal interest? Yes, the feasibility study documents that. OMB looks at it as a dam removal project, there's no federal interest. But if it's eco-system, yes there is federal interest.

MARK: OMB being skeptical about fish issue; they also wanted to know if there were other ways to get fish over the dam. A response was provided as to why it wasn't feasible. This occurred post-feasibility ... Assistant Secretary of the Army. Wrote a memo about why that tunnel bypass wasn't feasible but there were a lot of issues related to fish that had to be clarified or substantiated. It was the Assistant Secretary of the Army's Office that sent out two .. (lost audio) ... submittals that was a lot of questioning about the land formulation process and that we provide more detailed documentation that what was in the feasibility study; basically it was a summary of the process.

VOICE: In terms of OMB's role and the Corps of Engineers when a study goes up for consideration for authorization the degree to which we are scrutinized to show that the Federal investment is worth the benefits you're getting ... so that's where the questions were stemming from and I think they were answered in spades that Yes it is ...

BUXTON: Design started and design oversight group formed that somewhat mimics the stakeholder group in the feasibility study ... the hope was to maintain consensus and buy-in ... did not fully work which is why we are here today.

DESIGN PHASE

Goal:

Cost – if cost increases a new authorization is required so one goal was to “hold project cost” similar to what the authorization was.

Conform to Environmental Docs – as designs were refined and information created a supplement EA would be created on every one of the project features. That was one of our plan. We knew things were going to change somewhat but we wanted to stay true to the existing EIS/EIR and biological opinions and all the environmental documents.

Constructability – feasibility level assessment provides detail on whether it’s feasible that the project could be done and constructible. That’s a key piece.

Expedite schedule – design, construction, build. Realized the benefits that are claimed or expected from feasibility study.

A lot of our efforts circled around and focused in.

PRATT: Lot of decisions made that conformed to all four of those.

BUXTON: The handling of the Fine material – recommended plan is 4(b) slurry to 4 sites around Baldwin Rd. Not long after the design started, the details of the slurry and how to handle and dewater and what are expectations (expectation was 9 months from start to finish then it became 3 years). The constructability issue became an issue – very wet silts and clays, it has to consolidate and drain – what’s the real chance of stacking the stuff on top of itself and still having a project? Lots of construction risks. And the primary drivers were the estimates of the thickeners and water price. The cost went from \$18 million in the feasibility study to \$51 million in the design for the same concept to put material on the same 118 acres identified in the Baldwin Road area.

PRATT: And you were in the active channel for almost 3 seasons.

BUXTON: Real concerns that made them scratch their heads...what else can be done ... we have an authorized project and we have environmental documents ... what else can we do to live within the expected project outputs? Keeping check on costs, living within environmental docs...getting to an actual project and it’s actually buildable. This identified some of the things we talked about as far as the duration of construction time. It also talks about actual assumptions of what we really expected on these sites. These sites would be disturbed. The first line items is scraping the whole area, building starter dikes to hold this material and then some of that material would come back and be put on top of it so it’s a huge undertaking and there are definite changes to the site conditions.

This is the understanding of what really was entailed in the disposal of the fine sediments for this group.

BLAIR: FINE SEDIMENT clarification: We've been simplifying some of the details on the sediment deposition behind the dam. The fine sediment that we are dealing with is actually an area 2.1million cubic yards that is probably 20% sand 80% silts and clays. The Delta is kinda of reversed - 20-30% silts and clays and 30-40% sand; remainder gravel in the delta. There's a mixture of sediment that gradually becomes coarser to finer as you go from the delta region to the dam. Do we are about the area under water, probably dominated by silts and clays and some organics. And some issues raised on the fine sediments supplied to the ocean. Matilija is part of the picture to what is being supplied to the ocean but actually it's maybe 30% of sediment load comes down. At that point you have fairly significant tributaries - San Antonio creek, roughly equivalent in terms of watershed area; you get a little more rain in the Matilija though then you have North Fork and several other smaller tributaries. Then you have the tributaries that are blocked by Casitas Dam, all the sediments trapped behind Casitas Dam that's now. On an annual basis, and it's an episodic transport, the 1969 storm transported 6Million yards to ocean (equivalent to what's behind Matilija Dam) in a matter of weeks. So this is part of the sediment picture of the watershed but it's not the whole picture...to keep that in context.

SELKIRK: So to keep it in context to what I'm hearing, Darrell, two major issues emerged in the BRDA design and that was constructability – whether it really would be feasible and what would technically be involved in both transporting but also layering sediments on the disposal sites and then the second issue is that the radical change in the cost estimates and what would be entailed to do the slurring to the BRDA sites.

PRATT: And the third issue is risk because you're in the channel much longer than you originally intended so you're going to go through more than one storm season and that presents huge challenges, liability-wise as well as costs.

SELKIRK: Are there any questions or clarifications for Darrell and for feedback.

GREG: I've heard two different versions in a year and a half. The fines and the three different disposal scenarios that have been looked at, will they ultimately wind up in the ocean? Is there any scenario where they will not be mobilized and not move out to the ocean?

BUXTON: I'll try answer and Blair can verify but in the four sites for the BRDA sites, I want to say 60% of the 4 sites were expected to mobilize and make it to ocean. The other 40% would be kind of permanent (of the 2.1 million).

BLAIR: It's all really what time scale you're looking at. Everything is mobile at some time or another. None of the sites would be permanently stabilized. Some are off channel enough so the water won't get to them. So it just depends on their relative location to the main channel and what's protecting them upstream. MODA site, now we that that community that is essentially protecting, it doesn't allow that flow to get to that now offstream location. Essentially a lot of that location remains effectively

permanent because it is not directly accessed by the river. Some lower portion may erode over time but then some of the BRDA sites are that way; some aren't. USA depends on construction method.

PRATT: It's safe to say that our assumptions were that the water companies would be tolerant of the material and when we first started discussions with the dog group we asked them that question and the response that we got was well you won't have a problem with us if it's grave yarded and if you have anything else we'll just have to wait and see and react to that. So what was presented was permanency _____ upstream.

BENNETT: BRDA honor farm – significant disposal area is up against the bluff on the other side of the bridge and not likely the river would mobilize that.

BAGGERLY: General assumptions – do all bullets make up the change from \$18M to \$51M? Can you identify specific items?

BUXTON: It was extra handling; duration; slurry; actual thickening – we'll report back.

BENNETT: Costs – cost more if you have to dry slurry by spreading it out over more sites.

BENNETT: I have another data request. It's my understanding that when you were talking about costs sometimes you were talking about 2 BRDA sites and other times you were talking about 4 BRDA sites. Do you have to do as much drying if you slurry further because you're not stacking it as high; therefore, do we have a decrease in costs there? That would be helpful to know.

SELKIRK: So you want to know if there's a decreased cost associated with farther down stream sites that ...

BENNETT: Because they don't have to dry it, to stack it as high. Or I know it costs more to get it down there; there's a trade off.

HOLLEBRANDS: I have a question. You mentioned that partial slurry sites would be sequestered permanently? You were saying 30%?

DARRELL: Well I don't about percentages but of the BRDA sites that are protected by either the downstream bridge abutment or they're way off channel. Those sites, they just wouldn't erode. They wouldn't be stabilized necessarily but they wouldn't erode because there's nothing to erode them with.

SELKIRK: Not even a 100 year flood event?

VOICE: Not even like the 1969 event?

Not unless you lost the bridge.

DARRELL: These are just ballpark estimates based upon where the river's moved historically. Of course something could change and things could erode and over geological time everything would be eroded. A lot of those now are protected by upstream levies, upstream bridges, infrastructures, basically something that doesn't allow river erosion until those structure are gone.

PRATT: The rule of thumb that was used was nothing less than a 10 year storm could mobilize the slurries. That rule of thumb was developed in conjunction with all the input we gathered during the feasibility process. That's where we were told there could be a chronic insult of these fine sediments to the stream so if it was every going to get touched it had to make it out to the ocean. Nothing less than a 10 year storm has the energy to pick the stuff up and carry it all the way out and when the recession end (lost audio) wasn't going to leave a long deposit up and down the river because there were reds in the sand they were trying to protect. We got a lot of that input.

DARRELL: It's an active river and we didn't want to place the fines in the main channel. You had to put them on a terrace but it wants to be erodible but you have to have ownership of this land; there's only so many places to put it. Some areas won't erode; some will. But all of it is going to be revegetated. Put it on a terrace for high flows; don't put slurry in the low flow channel.

CLUER: Fine sediment and frequent or low flows is a bad combination. All streams are episodic driven by El Nino....about every 7 years. During those events there's lots of sediment movement and lots of capacity for the river to carry more sediment. Those would be the opportunities to transmit somewhere downstream.

PRATT: Another constraint is the more you can sequester the stuff the less problems with regulators. And the Fishery side said was better to put it away rather than it be chronic. Seemed like a safe way to do it is to get it out of the way, keep it out of the way. We heard later in the process that not every body agreed with that. We did have those two constituencies that we were trying to accommodate; i.e., the Regional Board who thinks that all the fine sediments are loaded with nutrients (Nutrient TDML) and we've been told by the Regional Board they consider it to be a pollutant and I've been at a meeting of all the regional regional board meetings where they had satellite photographs of after storm sediment pollutants coming off the Ventura River and the Santa Clara River and they were aghast because they saw that as pollutants. So that was going to be a challenge for us and so a safe way to handle it was to get it out of the way.

BENNETT: Asked if there was agreement about the fishery side thinking.

CLUER: Approach to dam removal – get the sediment trauma over quickly. True to all big dam removals from a fisheries biological perspective to date That's the philosophy that's come out of this movement.

BENNETT: Sequestering would be better than chronic.

CLUER: No, get the sediment trauma over quickly so that you don't have repeated events.

PRATT: It was never clear to us that there was a consolidated opinion from the fisheries.

OBSERVER: Fishery side – both answers can be right Chronic situation can be bad. If it's timed well – if you have an episodic for a short time frame of high suspended sediment and low flows each year or two or every other year that's not as bad a situation if it's a chronic suspended sediment throughout the whole winter flow cycle. It's also not just getting it all over at once but doing it in windows each year spread out over time.

SELKIRK: Important issue to come back to.

JENKIN: Just want to clarify in my notes here because originally it was said about 60% perhaps to ocean from BRDA; not much or some from MODA; permanent graveyard at USA. The feasibility process was in agreement that a large short-term sediment release would be feasible and acceptable recognizing that we've had 0 fish passage above Matilija Dam for more than 60 years; and that the future 50 years in the Federal study process would now be available for fish passage. The short-term impact was acceptable because of the immediate benefits. That was something also reflected in the HEP analysis. First 5 years after dam removed, wouldn't have a huge rebound in habitat but would thereafter. That was the general thought process that we had gone through at that time.

OBSERVER: Slug of sediment was acceptable; not just fine.

BRDA is site dependent; MODA is fairly permanent; the lower end probably could erode as the river expands during a large flood.

The current design was graveyard at USA.

MARK: Not only was there a long-term benefit overshadowing the short-term benefit but also the removal of the dam that created the spawning habitat above that could temporarily compensate for the temp loss of the spawning habitat below. Removal of the dam changed the spawning opportunities for those fish. While they lose spawning habitat for any number of years below they would also then have new opportunities. That analysis was not refined; it was the rationale.

BUXTON: We also talked a lot about the different options too. We talked about the environmental effects and benefits of this. I think the USA option to permanent sequestration came about not because of the environmental to possibly have sediment in the water but more of a water quality issue. The whole slurry idea was to bypass that fine amount of material by the Robles Diversion.

BENNETT: Paul's comment is important and I want to try to reach back to those discussions and how I remember it coming down. What Paul said is exactly accurate, get the big insult and get it over quickly. As Jim pointed out that was for sediment and the fines. I don't remember that for the fines there was a sense that you ruled out various options because you wanted the fines to be mobilized, it was more you definitely wanted the sediments mobilized. I don't remember a distinction being made, for example the agricultural sites that were being considered off line ... The key was focused on the fines and don't bother Casitas – if they were stored offsite, used some other way; that was OK. But if somebody would have said that about the sediment there might have been a difference in the impact. I may not be remembering that right ... so I'm asking that it really wasn't so much that a *fine* option was evaluated based on whether they were going to get mobilized as much as just whether they were going to get past Casitas.

MARK: In the environmental working group on the HEP analysis, we did have discussion on the role that the fines would play in the maintenance of the riparian habitats downstream...not viewed just to get rid of or be done with; not analyzed in type of detail; no HEP value. There was an acknowledgement of the maintenance of riparian habitats.

JENKIN: My recollection is different from yours. I think a large portion of the discussion was around not creating a permanent impact in the flood plain and thus restoring it to natural flood plain condition. And that is represented (very grossly illustrated) in the HEP analysis because some of that was sort of blanketed by this idea that you could revegetate and it would be back to what you had there to begin with. In the environmental working group the consensus was that allowing the river to flush it out and restoring flood plain back to natural condition once you were done was a temporary impact that they could live with. I think that was the rationale which drove us into that temporary storage of fines within the flood plain.

BENNETT: I agree with you in the flood plain; do you think that applied to the agricultural site also?

JENKIN: If you could some of it offsite, then fine – it's out of the way. But you wouldn't expect that to get flushed away or you would hope not. One of the biggest impacts in the watershed today is fines coming from agricultural lands.

BENNETT: So was there a feeling that it should go to the agricultural site because we wanted the fines to actually be released or was it ... (lost audio) ... offsite.

DARRELL: There was once ... we wanted to restore the riparian areas and flood plain to as natural a condition as possible.

JENKIN: That's the project objective. If you're taking it offsite that's not even within the study area.

DARRELL: We didn't quantify that; at the time we didn't quantify how much BRDA played in this or that it would not be intentionally permanently stabilized. Effectively we didn't discuss that.

JENKIN: Right, remember in feasibility it was an extremely gross sort of conceptual level plan and one of the ideas that was floated at the time was this idea that you could slurry part of it in the flood plain and wait for next flood event and then put the rest of it there. Or have it on the upper terrace and move it back out into the active erosion zone in the future so that it would be gone. Those were the type of discussions that we were having in terms of making that a temporary storage area.

SELKIRK: Does the group at the table want fellow observers included in the discussions today?

PRATT: Helpful.

SELKIRK: With respect today, suggestion is that observers have institutional knowledge with panel permission she'll call on queue outside the table.

JIM: Wanted to clarify couple things – we were getting reports back in our plan formulation groups, we had a whole bunch of subgroups and Darrell had a slide on that earlier and that was how we split up responsibilities in the feasibility study so there was the environmental working group. I was not directly involved in that environmental working group. I recall from the plan formulation group side is that we were all coming back together and we were focused on the sediment storage sites .. up above the dam .. and the evacuation of material from those sites .. didn't spend as much time and effort and focus on the slurry disposal sites....I think there was some discussion about how material would erode away but don't recall any detailed discussions. Some are more vulnerable to erosion than others – that upper BRDA 1 site – we thought that was going to erode relatively quickly or at least a portion of it . The other sites as mentioned by team members were less exposed to erosion unless you had a much bigger event.

SELKIRK: No detailed analysis done then?

JIM: No .. not aware if that occurred in the environmental working group.

SABRINA: It's my memory that after deciding that 4b was the preferred alternative that the Env. Group didn't meet as frequently. Once the HEP analysis was in place ... we met infrequently to talk about issues related to disposal sites and the ecology of the disposal sites. I wanted to clarify, and I could be wrong about this, but I thought that the ag sites were an idea considered but never any willing recipient. I think that was taken off the table from a feasibility perspective because of there not being a willing recipient but also because of issues with transportation. We'd hope somebody would buy it but there was absolutely no interest in buying the slurry; whether we delivered it for free was a different question. Never got to that level of exploration.

PRATT: During feasibility study, Ag sites were dumped early on for the reasons that Sabrina said. They might not have been in the HEP analysis; the Ag community said NO. It was early before a preferred alternative. But what that did to some of us in the group was gave us the sense that everybody was OK with sequestration because we were going to avoid the impact. Then later on we found out that not everybody was thinking the same way and so what Paul was saying as we get into 4b ... we all agreed about the ways the impacts were going to happen and a HEP was done. But we weren't in the HEP listening to them. Avoiding the impacts if preferable ... flooding touched on but not in the same way that JENKINS talked about.

BUXTON: This is one of the key issues of interpretation on what was presented in the MODA and USA concepts – flushing these details testifies that this is an area that we need to regroup and get consensus on.

BAGGERLY: Not sure what we are arguing about .. the feasibility study looked at sites that would erode and would not.

PRATT: Not arguing – just trying to get on the same page.

BAGGERLY: So we're doing both; both can happen – it can be permanently stored in some areas and it will erode in others.

MARK: In Environmental Working group, we talked about offsites and ag sites .. there was also the thought it could be sold and a legitimate use could be found for it. Nobody ever wanted to put it in a landfill. Part of the thinking in that group was can something useful be done with the material and possibly help finance this project by selling the saleable product. That was part of the interest in exploring that.

PRATT: For clarification, when you said landfill, you don't mean a landfill that has trash in it.

MARK: Yes.

JENKIN: Clarification: HEP ... is part of the alternative analysis .. of the federal process to assess the various alternatives. HEP was done on all alternative sites.

MICA: I'm a Latecomer to this process but has read her predecessor's minutes and notes and documents, etc. 2 Things: my sense is that while there were variable considerations with what to do with the fines; there was never any intention to store it permanently in the river intentionally, there may be some that were stored with the intention of mobilization that based on flood patterns never actually moved; and, at my first meeting I tried to drill down to the question of the analysis of when it will move and how much of it will move in a flood event. What we are stuck on .. the detailed analysis of that has not been done. We can based on our overall first blush look at this at both MODA and BRDA

guesstimate that some will move, some will not. In reality, given the nature of our rivers, some may never move. That's still different from putting it in permanent stabilization with no flood event moving it forward. That was the working assumption from my perspective from being engaged in this process for the last few years. The details of how much will move when has never been done.

JENKIN: Blair did look at it a couple of years ago and graphics were developed.

BLAIR: They looked at historical, what had moved in the past and how close it is to the river and what would likely move in the future over a reasonable time frame, which is a 50-year type of project we're looking at.

BENNETT: I don't think there's a big disagreement. Just trying to correct - Did we in the feasibility study make the distinction between fines being some place other than eventually mobilized and not? Probably weren't real clear - places were ruled out for other reasons - not specifically for that. All things being equal, if you can get them released, nobody has a problem. It just wasn't clear that that wasn't necessarily clear it was some place sequestered or hauling offsite, etc. I think it's a little more clear now.

BAGGERLY: We have already agreed that anything above a 10 year storm event the fines will be picked up and mobilized and you're not even going to notice they're in there.

PRATT: That's the way we were going to design it. That was the rule of thumb for design.

BUXTON: During the design phase, sediment models have been looked at; hired consultants to do slurry investigations to better understand the slurry process; better understand habitats; more of the characteristics of the BRDA sites.

When factoring cost, constructability, risks, we said let's stop efforts and what can be done next to speak back to the 4 goals of the design phase? We were hitting the cost issues, hitting constructability issues, what else can be done to hold true to project benefits? The MODA area is much closer; at the time perhaps the land would be available to us at MODA ...

PRATT: One of the reasons that BRDA came ahead of MODA in the feasibility analysis was that we were under the assumption the land was under different ownership. The owners said NO way to sediment. When we got to this process, we found out that the land ownership is different and we thought we might have a willing seller so MODA is being looked at.

BUXTON: On the surface it felt like some of the premises of the recommended plan would still be upheld. Looked into that and had similar env. analysis inventory done, refined the sediment models, expectations on it, but it has disadvantages and advantages ... been talking about them. Doesn't address all the constructability issue. It would be easier because of the bluff and some of the other

characteristics of this site. But nonetheless we said okay but because of local resident opposition, we said what else can be done?

In the middle of all this, they did what ifs in combinations ... all of BRDA, part BRDA, select BRDA, half of MODA, MODA west, we did some sensitivity analysis to say how can we balance all these things and still had construction risk questions; costs did come down. Costs ranged from \$30-\$50 million, depending on what combinations that we did. (showed Disposal Site comparison .. Matilijadam.org)

Looked at options ... all have advantages and disadvantages....disadvantages caused lots of discussions and controversy so we put that one on the parking lot as well as saying what ... we're not moving on the project ... we're not getting the project benefits now, what can we do to get those four design goals that we had in mind.

SELKIRK: (Asked about permanent sequestration...)

BUXTON: That came from a comment that more of the material was potentially never going to erode on the MODA site, which was not the intent of the BRDA site. Some of it was made more available; so that was the comment.

PRATT: First time they had heard of the disadvantages of MODA . You could argue that permanent sequestration could be on either side. We thought avoiding the impacts was preferable to flushing the stuff. Mostly people thought it was a disadvantage.

BUXTON: In looking at opportunities in realizing project benefits, this was one of the features and it does have advantages and disadvantages. But there are a lot of benefits that aren't being pursued or realized because of this issue that we said okay what else might we do? We brainstormed some concepts with the design oversight group, asked what do we feel about it? The safest most conservative thing would be permanent sequestration ... modified placement of upstream 4Million cubic yards Still maintaining 1947 creek center line.

TODAY'S PICTURE. You can see the expected placement of the fine materials up in the USA 1, 2 and 3 locations. Get the idea out; does it potentially work? Still makes most of the 4Million yards available to the system; still speaks to natural transport; to the restoration of the Ventura river; fish can reach upstream of Matilija. On the surface it has some advantages but it has disadvantages.

Takes less acres for the USA options than MODA and BRDA.

USA has better options but is still costly – lots of handling and drying.

PRATT: What might be important for some of the people in the room, the numbers are really rough ...

OBSERVER: can we fit all the material above the dam and still open a channel as intended? Looks like we can get it to fit but what about all the other considerations during the feasibility study? That led to this concept. We didn't go into the level and details of analysis that we did with MODA and BRDA.

BUXTON: With this concept we know that the details are different but on the whole on this conceptual level, the benefits will be realized. Natural transport; fish passage is created; riparian zone is created. Speaking to the 4 goals of the design phase is the faster the project, the faster the benefits realized. When the details were beyond what was approved in the EIS, avoiding future investigations and potential reevaluations, they have the potential for adding 5-10 years of investigation for a reauthorization again to get the project realized. That weighs into the equation but on the surface they thought they are living up to the expectations of what was stated in the goals. In the end, we are making good head way in where we are and where the neighbors are and we can come to the consensus.

SELKIRK: Important part of this walkthrough and reliving history and recollections: the decision-making and process and winnowing process....I took notes while Darrel was talking and tried to jot down the overall summary assumptions that a number of you alluded to:

Water quality

Sequestration – temp vs permanent

Optimal conditions for fish

Identified data needs or gaps – in some cases there hasn't been some analysis done and in other cases you may have disagreements in fact as to what were the outcomes of some of your meetings during feasibility or what was reported to you in the last few years in the design phase.

What you're faced with is a set less than optimal ideals ... threading the needle through all the hugely complex variables. What I'd like you to turn your attention to as we get together next as a group to really settle so there aren't any other outlying questions with respect to your common understanding is to look at the 4b options and think about where you see the problems still lying; do you concur with the Corps conclusion that there are deeply vexing constructability cost issues. Use your minds over the next few meetings: what are the central problem areas needed to address? Any additional technical review or investigation to help us get answers that can help us to solve those problems and also what's it going to cost. Is there a good understanding in terms of what Darrel has laid out?

One way to do that is to do a side by side of advantages and disadvantages. What I suggest and we'll start on this today and move into continuation when you meet again. Reflecting on .. if there are other areas that you're still concerned about, have a real disagreement or assumptions about the way the design phase went about doing or selecting or concluding the feedback they got either on habitat issues or feedback and recommendations with respect to slurry technology and the costs associated – all that.

I think it's important for us to then start to think together about. What are the questions of fact What are the factual questions really relevant that you want addressed? What are the data gaps you want to see if you could design this process? What areas of scientific uncertainty could use an expert panel to deliberate on? That could include what do we know now that we didn't know 10 years ago when the feasibility study was first scoped?

BUXTON:

3 concept areas identified are still on the table. They all have advantages and disadvantages. I'd like to hone on the last two of them...

- Identify gaps causing disagreement. Does that disagreement rise to a level of project delays or reinvestigation or is it a clarifying point that can be addressed during design? So based on what we talk about and identify I hope we can look at it in light of the whole project even though we are concentrating on the fines handling. It's the whole project that's potential getting impacted.
- What are the relevant things to get the project done? As we identify gaps, funding the studies could become an issue and cause a time delay. As we go through this, balance that in your minds --- is it really relevant?

GAMBLE: Is Congressional reauthorization needed for MODA and USA?

BUXTON: Don't think so but it depends on the details.

PRATT: Cost guides reauthorization. Discussion on environmental impacts might be required. Should we ask ourselves ... are we worried about reauthorization? Project costs? Schedule? Do we constrain the conversation for later?

SELKIRK: We have an approved project that a lot of you in the room labored many years to bring about so the recommendation is that looking at what Alt. 4b and the analysis that has been done to date ... there were certain assumptions, some are first order within the context of the existing project ... having a better grasp on costs is hugely important. The different costs for the other alternatives could be a show-stopper. First look at 4b and the alternatives that BUXTON provided. Within BRDA analysis, start there.

2nd order issue is that Pratt said the fundamental assumption was to not do a "without" project alternative as part of the analysis. Let's look at the current authorized project. The fact that from the beginning the decision was made not to do a "without" project alternative analysis meaning looking at what's going to happen on the river if nothing happens.

VOICE: It's just a matter of what baseline was used, was the current baseline in 2004 used or the future baseline? So there has to be an analysis...

SELKIRK: OK I misspoke. The current baseline was used rather than The second issue is that a number of you have raised this issue of possible notching alternatives handling in the feasibility study – that's probably going to come up again in the course of your deliberations but it needs to be acknowledged that there's some uncertainty as to whether to revisit, which would be a whole new alternatives analysis.

BAGGERLY: When Jeff was outlining some of the history of the MODA site, there was a question about ownership of the land and that the conservancy really didn't own it, it was owned by the church. You didn't use there name but I will. Has the ownership property been resolved? Why consider MODA if we can't own it.

PRATT: The church who owns it took a vote on it - 75% sell; 25% not. But the pass threshold was 80-95%.

NIKA: Variability in assumptions: USA analysis was not deeply vetted or analyzed. The numbers in the charts might lead people to believe there is some wiggle room. There are four areas of concern:

- a. The process to date (the thumbnail analysis) failed to assign a difference in value between impacted acres that would have a permanent impact or no longer usable as habitat versus impacted acres that would be temporarily impacted or eventually within our lifetimes be restored to a natural state.
- b. Cost analysis quantifying USA costs as being less than some of the other alternatives. Those costs failed to incorporate ongoing operation and maintenance or risk or liability on responsibility in terms of who's going to own, who's going to be responsible for caretaking, etc. and there's also an ongoing maintenance component in getting vehicles and other equipment into the site, which has an ecosystem value impact.
- c. The long-term project outcome would create less restoration of the overall project has less eco restoration benefit because of sequestering the fines – taking the Matilija dam and creating a natural floodplain up from the dam. There is less ecosystem benefit because of the places you would permanently sequester the fines with concert or soil amendment, etc.
- d. Project was designed to fit into the existing environmental documents but that might not be the case ... there would probably need more environmental review and subsequent need for Congressional reauthorization. The components of the project authorized by Congress would essentially be different. So whether or not those are factual, I don't know but there a difference in assumptions in the group about where the truth in those statements lies.

SELKIRK: Spend the next 20 minutes trying to “define the problem.” Start thinking about what the central questions are they we need to think about as group that will inform a decision as to whether we can move forward on any of these alternatives. What’s it going to take to regenerate the next phase of design, cost analysis and technical richness and credibility? We will start here at the beginning of the morning the next time we meet. Brainstorming session – all ideas are on the table.

What are actual factual scientific and/or policy questions? We’re doing a little bit of both. Those are intertwined.

CHRIS DELLITH: My primary concerns: affecting native habitat and natural processes up there in terms of USA alternative. Back in January it was my understanding that we would have approximately a 200 acre net loss of habitat as a result of the USA project. That was not taken into consideration when writing up the report. And then how does that affect our consultation with the corps. That in our opinion is a significant change in the project description which would instigate a re-initiation of the consultation. We have a regulatory perspective and biological effect. We feel that’s something that needs to be taken into consideration. We believe the habitat baseline has changed due to what a great job in removing the Arrundo from behind the dam; now outstanding habitat for 2 endangered species that we haven’t consulted on and we’re getting reports from monitors in the field that these species are being detected now, which is another re-initiation trigger ...leeds spill and Southwestern Willow Flycatcher. Another change is designating critical habitat for the California Red-legged Frog and the project area falls within that. Their Conference opinion needs to be converted into a biological opinion.

BUXTON: not just a fines issues; a whole project issue. Where did the 200 acres come from?

DELLITH: There letter we wrote to you. Don’t know exactly where. I’m looking at the presentation you put together and now see 37 acres (Buxton: the 37 acres is the addition of what the recommended plan already entailed so we needed a 37 foot larger area than what the recommended plan had). (Jenkin: but there was a significant overlap of what went on to the remaining area there was totaled 200 acres.)

VOICE: That’s the whole reservoir area, which is getting I don’t know if that’s impacted area.

So maybe there’s a question there what is the permanent net loss compared to what we analyzed in our effects analysis?

CLUER: Mission statement “staying within context of approved env. Docs.” From NIMS perspective .. consultation was for the initial project as described but that wasn’t completed. It didn’t include the bridges, levies and a number of parts and pieces. No way to avoid redoing a biological opinion for a better fleshed out project description. That’s not a constraint from our perspective so if you are all feeling constraining by trying to stay within the opinion that we’ve written, you shouldn’t.

PRATT: why did it not include the features?

NOAA OBSERVER: The projects features hadn't been fleshed out in any detail ... the corps has the biological opinion. Done in 2004 .. it was all conceptual .. Robles was not detailed enough to write an opinion ... fish passage facilities. All those elements are identified in a narrative way but couldn't be analyzed because there was no specificity for them. As those features get fleshed out they'll look at them.

SELKIRK: With whatever detailed design it's likely going to involve some rewriting or revisions of biological opinions, etc.

NOAA OBSERVER (?): As those features get fleshed out then we'll have to look at those. That's with the existing project. That's not any new project or new version of the project.

SELKIRK: That's the living in 2 worlds – that's the world you guys live in – the regulatory world so in terms of what you heard today Brian and reflecting on some of the discussion about 4B and the design phase, etc., what are the outstanding questions in your minds that should be addressed going forward?

VOICE: Questions that came up for me are quantification. What are the fines problems for water diverters? I think the project assumes there can't be any fines problems. I'm not sure that's realistic. I'd like to see some analysis done on that. Fines are going to be transported during the 7-10-15 year events that are loaded with sediment anyway. Water diversions are dealing with that problem already. I'd like to see an analysis that compares existing conditions at that episodic scale to dam removal and its incremental increase. It seems that fines have not been reviewed as a resource in any of the analysis. Maybe that's too broad to say it that way but I think there are other potential benefits of fines that haven't been analyzed. Offshore environment – continental shelf – even a percentage of fines in beach sands. The USA alternative .. seems like it wasn't analyzed as rigorously as the other sites (BUXTON said that's correct). Cost creep .. is that really a problem. And fines on flood plain could be added to benefits.

BAGGERLY: As an elected official I have to think about my agency and constituency. Constituency is 60,000 people who depend on Casitas as a water resource. I think we all agree that whatever we did in taking down the dam is not damaging to the district. The issue of fines sediments is not their NTU .. it has to do with their nutrients. The fine sediments are laden with organic material and if it reached the lake in any significant quality could cause blue green algae that would seriously damage the water treatment plant, the resource itself and the environment of the lake. Having the fine sediments above Robles is a threat. Slurry downstream below Robles is the best options.

GAMBLE: What if we can't reach an agreement? What if all those sediments stay there? What is Casitas' long-term plan?

BAGGERLY: It's not the turbidity that bothers us. It's the nutrients in the water.

GAMBLE: What is Casitas going to do to protect our water supply?

VOICE: They'll have an increase to their baseline. It'll slowly increase over time. This particular impact is going to be greater but then ...

BAGGERLY: I'm saying the reason why we're here is the fines sediments and the protection to the water resource at Lake Casitas.

VOICE: And the dam will start acting as a nutrient source in the future.

DARRELL: It will be a benefit to have the dam out.

GAMBLE: We didn't project water quality in the future. Obviously it's going to get worse as the dam fills up and starts spilling the organics that are behind.

SELKIRK: How can we keep our customers whole and protect the water supply?

BAGGERLY: We could do that by slurring downstream below Robles.

SELKIRK: How do we protect our water supply from the nutrients and fine sediments?

VOICE: One is the impact of the nutrients on lake water quality and the other is impacts on the ability for us to filter and provide water supply through our water treatment system. Large increase in blue green algae, plugging of filters, because of high development ..

SELKIRK: What do you see as the central questions of fact or analysis that you think that are in the fronts of your minds pertinent to Casitas?

BAGGERLY: It does revolve around those fine sediments. Should they be potentially sequestered 'permanently' above the dam or should they be out of the way below Robles? From our perspective, we don't want those cross-hairs on Robles from above the dam. It will be a constant worry.

WICKSTRUM: Agree with what BRIAN says. Take a look at what the impacts on the water distribution system would be with releases – we keep saying fine sediment or fine silt. There are other components. Right now it's steady state. May 4-5 years from now it's flat. We have a concentrated load that's gathered over many years – what kind of impact would that have on diversions into the lake? We're talking about other scenarios – notching, what are the flows? The flows we have are not like other areas like Klamath. What's the impact of the mass that's up there? Quite frankly the organic matter that could kick off problems in the lake.

BENNETT: Is it Casitas' assumption that the concentrated fines, because they've been there longer, maybe have more organics in them and may be different than the fines that are going to be coming in the steady state?

VOICE: The organic level is probably greater than what you would get on a normal basis because if you get a 10,000 csf flow or a 5,000 csf flow, it's going to carry what's it's carrying. But if you add to it the potential of what's being removed in a notched scenario you've just increased the dose so to speak. What the "dose" does to actual water quality.

PRATT: If we looked at alternatives we had, "baseline" (lost audio) the without project, is it today's conditions, and so I don't know what you're thinking.

CLUER: It may come out of different scenarios we talk about. I'm hearing potentially the notch or when we actually get to moving it.

PRATT: If we just looked at for example just the alternatives we have, would the baseline be "without" project?

CLUER?: The baseline should be when we project construction to begin.

JENKIN: The first priority and first major data gap is really taking a serious look at the constructability of BRDA and possibility for phasing that .. is there a way to do it in 2 phases? Because that is the project that's been approved, I think it needs a much closer look and has not been given the technical assessment. Because there's no question that funding is the ultimate problem .. so have we gone so far down the road that we have an unfundable project? Is a 5% or 8% increment in project cost really a no-go? Realistically, that's what we are looking at not for not implementing the approved project. Is Federal funding and/or State funding at the level of \$150Million plus funding even remotely likely in the next few years? Should we look at cheaper alternatives? A restoration project I've been engaged in for the past 16 years is currently being constructed. Bids that came in this year were about 25% under the estimated costs that were estimated about 5 years ago so another look at their real present day costs are warranted.

HOLLEBRANDS: Have a couple of concerns because I've been in this process about 5 years. Our concerns are similar to Casistas – we do have water quality concerns ... MODA and BRDA and USA. Anything that sits above our wells is a concern of ours or has the potential to affect the amount of water we purchase from Casitas which then creates a larger burden for them because that's part of their responsibility. Don't know how big of an issue it could be. Our varies a little bit because Casitas says they're not concerned about the NTU but there's a lot of retention time in the water.

BENNETT: Overall question of defining the problem. I want to emphasize back at the feasibility study time, almost everything revolved around what Casitas needed. From a Congressional standpoint, if Casitas doesn't want this project, it's done. They're not going to do it. Everything was subordinated to their needs. And it's still the case – All of these have been designed with these same parameters and 75,000 depend up that for water and the one thing that would take our Yosemite and have it not seem to not be a Yosemite is people their water supply is going to become negatively impacted. The overall problem is that. We've got this ... How do we deal with the fines to solve Casitas' problem? Has anything changed in terms of is there any data or information that's changed since we started 10 years ago ... We had a very different Board that said we're not going to look at anything if we don't have 1005 assurance if we're going to get any additional fines coming in. That's going to continue to be the issue not matter what we do here. But has anything change in terms of that analysis.

How much chronic impact is allowed while waiting for the big flows? It seems to influence all the designs. If we take the chronic impact for a short amount of time because we know we're going to get a big flow eventually, you might be able to solve this problem a whole lot easier because we don't have to be as careful with putting fines at BRDA. That was the original thought – just put then river (Peter Brands from the Coastal Conservancy suggested that). You want these fines to go to the beach anyway, why not put them in the river below Robles and put them in the river. If it's 10 years later, it might be helpful for us to have and answer as to whether there's any more acceptability.

The third data gap I have is what triggers reauthorization? What is the standard? If the standard is really low, that changes things. Is the cost overruns worth the risk of getting diverted? We've been diverted on fines because of cost overruns. It's a policy but is a legitimate question. There's been sort of a cost overrun with this delay. This one is beyond the scope of the fines study so I'm going to ask It...If in fact NOAA has requirements that are going to be put on all these other things and those requirements have costs associated with them, what are those cost impacts to the project and will we be out of line already because there are costs impacts that we don't know? I thought we had the biological opinions for the authorized project so this is a little bit of news to me. That's not in the scope of the fines but in the scope of the project.

SELKIRK: This is a mixed bag of technical questions and policy issues, data gaps about regulatory criteria, etc.

NOAA: We need to mention the regional board ... they are policy. (Not in attendace)

THIEL: In terms of water quality, one way to frame it is how do we effectively analyze and quantify the actual risks to the water supply from the organic components or sediments or whatever adverse sediments that water agencies are most concerned about? Because until we are able to do that it will be difficult to consider what potential solutions might want to produce ... at the beginning of next session, might want to start with more global problem statement: How do we effectively develop a solution to this fine sediment issue that's cost effective, technically feasible and protects the public

water supply? The other thing is that to what extent will resolution benefit from the experience of other dam removal projects around the country? Pre and post dam modeling for example? Studies? Analysis they've done on the issues or concerns mentioned around the table? They may not be identical but ...

GAMBLE: Adding to what Steve said, what is the risk to the project of having to go through reauthorization? What is the likelihood that we won't get through a reauthorization?

BLAIR: I think that water supply and water quality are kind of the same issue. You can mitigate the water quality impact by bypassing the dirty water. And that water can be...maybe there are options to make up the water?

BETT: Most of my issues are up there except for fish passage to ensure that over Robles there's a fish passage in relation to sediment coming down ...

CLUER: How sediment affects fish passage at Robles ...

PRATT: We need to have a contingency plan if it all falls apart need a contingency. 4b is the preferred alternative if not contingency. We need to run 4b to the ground – sediment impacts, costs. That hasn't been thoroughly vetted. Construction costs on average increase at 3% per year. Jenkins' is right .. all projects overestimated 25% but that will not last. We don't know when the next big flush of money is going to come. We lost \$60 million in funding. Need to be ready to jump if funding becomes available. 4b is the way to go; now notching has been discussed but it has significant challenges. 4b needs to be fully vetted.

BUXTON: A lot of these questions could be asked of all the options on the table. All of them demand a speech from MODA, BRDA, USA, notching, whatever we come up with. I'm hearing we're not good for the recommended plan (*general disagreement from the group*). All of these other things, we have sufficient details for BRDA...

SELKIRK: What you're hearing is really looking deeply at the BRDA and the 4b analyses done. BRDA needs more information.

MIKA: I think you might be closer to consensus with BRDA. The disadvantages could be refined with more vetting on BRDA.

SELKIRK: I'm hearing that 4B and BRDA may be what you really want.

MIKA: Are there any deal breakers not up there? If you don't have water quality up there, that's a deal breaker. And I don't think we all have the same definition or understanding of what an eco restoration project is. There are those of us that say if you are going to permanently stabilize with infrastructure

finest that need ongoing maintenance that deviates from the premise of an eco-restoration projects so I think we need as a group to have an understanding and what that means.

BAGGERLY: Darrell do you think we could benefit by drawing a circle about the fine sediment issue and various alternatives have a value engineering study done?

BUXTON: We did do a value engineering study done (2 VE's). The consensus was yes.

WICKSTRUM: Should we bring in a contractor?

BUXTON: That might be a good recommendation.

SELKIRK: File those for next time.

BUXTON: Understanding what we have before we jump to conclusions to what we don't have or want to get.

BENNETT: It's not a problem statement it's more of a combination of what Darrell and Mika and Jeff said about 4b and it is the authorized project so you have to have a compelling reason to not do it and at least have it vetted well enough to have it as the default option to go forward. So checking out these things to make sure these things .. lost audio.

OBSERVER: The Corps needs to inform the group of what triggers reauthorization and what the consequences would be getting back to what Greg said. In a nutshell per our regulation, if your costs go up or down 20%, if your output goes up 20% percent down 20%, if your benefits change by 20%. As a rule that's an easy way to get a handle on what that threshold is. Having said that the Corps can do an engineering design review report There is some flexibility to allow modifications that doesn't require reauthorization. They try to use that when possible. Call it a "design change." Eco system restoration – Corps perspective, ESR is done such that you are minimizing operation and maintenance. It's sustainable that will continue on naturally. There is no policy that you can't have O&M as part of it; the goal is to minimize it.

SELKIRK: WHAT'S NEXT – Notification of larger publics of this study group –

Today's meeting results: GJ will prepare notes; Selkirk will transcribe charts. Email went out to DOG about the study group. Intent is to host a broad oversight meeting after conclusion of deliberations.

BEST WAY TO GET INFORMATION OUT TO THE GROUP: Send them to Mary Selkirk.

WHAT WORKED BEST TODAY AND WHAT CAN BE IMPROVED ON?

BEST: Lunch; open minds and positive attitudes

IMPROVED: Room configuration; planned breaks; more fleshed out agenda;

Future Meeting Dates:

Wednesday, February 2, 2011

LPAR

Thursday, February 24, 2011

Ventura Government Center

March 30, 2011