

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

March 17, 2021  
1:30 – 3:30 p.m.

**Webinar and Teleconference Meeting Only**  
**(see page 2 for detailed instructions)**

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

**Lisa Bartlett, Vice Chair**  
County of Orange

**Farrah N. Khan**  
City of Irvine

**Austin Lumbard**  
City of Tustin

**Daniel Selmi**  
Santa Ana Regional Water Quality Control Board

**Duffy Duffield**  
City of Newport Beach

**Nabil Saba**  
City of Santa Ana

**Katrina Foley**  
City of Costa Mesa

**Scott Voigts**  
City of Lake Forest

**Dean Kirk**  
The Irvine Company

**Amanda Swanson**  
California Department of Fish and Wildlife

Meeting information available at

<http://ocwatersheds.com/programs/ourws/wmaareas/wmacentraloc/nbexccomm>

**\*\*\* Presentation slides will be posted to the above link prior to the meeting \*\*\***

*The Newport Bay Watershed Executive Committee welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. No action shall be taken on any items not appearing in the following agenda except as otherwise provided by law. Any member of the public may ask the Executive Committee to be heard on the following items, as those items are called. **To speak on an agenda item, please follow the process outlined in the "Important Information" section on page 2 of this agenda.***

## **Important Information**

*As a result of the COVID-19 emergency and pursuant to the provisions of Governor Newsom's Executive Orders [N-29-20](#) and [N-33-20](#), this meeting will be held via webinar and teleconference only. Important privacy note: This is a public meeting and as such, the webinar and teleconference access information is published and available to everyone at <http://ocwatersheds.com/programs/ourws/wmaareas/wmacentraloc/nbexecomm>. Executive Committee members and staff may attend this meeting via telephone and/or online.*

*Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Executive Committee less than seventy two (72) hours prior to the meeting will be available on the <http://ocwatersheds.com/programs/ourws/wmaareas/wmacentraloc/nbexecomm>.*

*In compliance with the American Disabilities Act, those requiring accommodations for this meeting should notify the NBWEC Meeting Administrator 72 hours prior to the meeting at 714-955-0635 or [maria.tamez@ocpw.ocgov.com](mailto:maria.tamez@ocpw.ocgov.com).*

### **TO JOIN THE MEETING:**

**LINK:** [ocpublicworks.com/NBWECMarch17](https://ocpublicworks.com/NBWECMarch17)

### **FOR AUDIO:**

1. Use computer audio through WebEx Live. If prompted, event password is: nbwec; or
2. From Phone: Follow the "Call In" instructions when joining the WebEx Event – Dial 1-415-655-0001 and enter access code 133 085 5339.

### **TO PROVIDE PUBLIC COMMENT ON AGENDA ITEMS:**

Members of the public have the opportunity to submit comments in writing via mail to Maria Tamez (NBWEC Meeting Administrator) at 2301 N. Glassell, Orange CA 92665 or by email at [maria.tamez@ocpw.ocgov.com](mailto:maria.tamez@ocpw.ocgov.com) prior to the meeting. If submitting comments via mail, please ensure your comments are received prior to March 17, 2021. Comments may also be submitted during the meeting via the "chat" function of the WebEx Live webinar or email and will be read aloud by the NBWEC Meeting Administrator during the appropriate agenda item. Please keep public comments to three minutes.

**Welcome and Pledge of Allegiance**  
**Webinar Conduct and Webex Overview**

- ITEM #1. ACTION MINUTES OF THE DECEMBER 16, 2020 MEETING**  
Recommended Action: Approve the action minutes of the December 16, 2020 meeting

*Bay Issues*

- ITEM # 2. UPPER NEWPORT BAY ECOSYSTEM RESTORATION PROJECT: BATHYMETRY SURVEY RESULTS**  
Presented by: Dr. Robert Mooney, MTS  
Recommended Action: Receive and File

- ITEM # 3. UPPER NEWPORT BAY ECOSYSTEM RESTORATION PROJECT: VEGETATION SURVEY RESULTS**  
Presented by: Rachel Woodfield, Merkel and Associates  
Recommended Action: Receive and File

*Administrative Items*

- ITEM # 4. REVIEW OF 2017-22 EXECUTIVE ACTION PLAN PROGRESS AND 2022-27 EXECUTIVE ACTION PLAN DEVELOPMENT**  
Presented by: Christy Suppes, County of Orange  
Recommended Action: Receive and File

- ITEM # 5. EXECUTIVE OFFICER REPORT**

- ITEM # 6. EXECUTIVE COMMITTEE MEMBER COMMENTS**

- ITEM # 7. PUBLIC COMMENTS**

- ITEM # 8. ADJOURNMENT**

Meeting information, including presentations, is available upon request.  
To obtain copies, contact Maria Tamez at (714) 955-0635 or [Maria.Tamez@ocpw.ocgov.com](mailto:Maria.Tamez@ocpw.ocgov.com)

AGENDA STAFF REPORTS  
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE  
MARCH 17, 2021

**ITEM # 1. MINUTES OF THE DECEMBER 16, 2020 MEETING**

**Recommended Action:** Approve the action minutes of the December 16, 2020 meeting

**ACTION MINUTES  
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE**

As a result of the Covid-19 emergency and pursuant to the provisions of Governor Newsom's Executive Orders N-29-20 and N-33-20, this meeting was held via webinar and teleconference only.

Date and Location: December 16, 2020 1:35 - 2:46 p.m.  
WebEx

*\*\*A recording of the December 16<sup>th</sup> meeting will be available [here](#). Recording times noted in the minutes correspond to that item on the recording\*\**

**Welcome and Pledge of Allegiance (Recording: 00:00:59)**

**Roll Call/ Self-Introductions (Recording: 00:01:46)**

Peer Swan, Chair	Irvine Ranch Water District
Natalie Medvedev <i>for Supervisor Michele Steele</i>	County of Orange
Thomas Lo <i>for Farrah N. Khan</i>	City of Irvine
Austin Lumbar	City of Tustin
Dean Kirk	Irvine Company
Hope Smythe	Santa Ana Regional Water Quality Control Board
Katrina Foley	City of Costa Mesa
Amanda Swanson	California Department of Fish and Wildlife
Amanda Carr, Executive Officer	County of Orange

**ITEM # 1 Approval of Minutes (Recording: 00:03:41)**

The minutes of the September 9, 2020 meeting were presented to the Executive Committee.

**Recommended Action:** Approve the minutes of the June 17, 2020 meeting

*Motion: Approve minutes*  
*First/Second: Dean Kirk/Katrina Foley*  
*Abstained: Austin Lumbar, Hope Smythe*  
*Outcome: Approved by roll call*

**ITEM # 2 Shellfish Pathogen Studies (Recording: 00:06:54)**  
**Dr. Steve Weisberg, Southern California Coastal Water Research Project**

Dr. Steve Weisberg, Southern California Coastal Water Research Project (SCCWRP), provided a presentation on the shellfish pathogen studies recently completed as part of an effort to assess the appropriateness of current standards and the need for a site-specific objective. Dr. Weisberg noted that the water quality standards for recreational shellfish harvesting (SHEL) are challenging to meet because they are much lower than the standard for contact recreation, and 40% of reference areas in the state fail the SHEL standard. Newport Bay is a regulatory focus since it has a total maximum daily load for contact recreation (REC-1) and SHEL. The Bay achieves the REC-1 standard for most sites in the summer, but the SHEL standard is exceeded during any wet conditions.

The original study design called for multiple seasons and shellfish types; however, the initial study recently completed by SCCWRP evaluated only one species of shellfish in dry weather conditions. Results of the study – norovirus was not detected in any samples, human Adenovirus was only present following a sewage spill – indicate there is generally not a shellfish pathogen problem during dry weather. Next steps may be to explore additional studies to evaluate shellfish in wet weather conditions.

Chair Swan asked how long viruses last in the tissue of the shellfish. Dr. Weisberg replied that the oysters clean their systems out within two weeks. Chair Swan suggested that during wet weather there are a lot more contaminants in the water, and wondered what would be the likelihood of similar results in wet weather to dry weather. Dr. Weisberg responded that he is not a prognosticator, but in the wet season there are higher concentrations of fecal coliform so that part of the study becomes more important because it will be able to identify whether pathogens co-occur with fecal coliforms.

Ms. Katrina Foley asked what are the next steps and whether there would be any penalties for delaying additional studies. Ms. Hope Smythe, responded that the Regional Board would be willing to look at an appropriate timeline extension to allow further studies to be completed. She added that they would work with stakeholders to identify next steps for the studies and a reasonable extension date. Ms. Amanda Carr provided background on the funding of the dry weather studies and said that the County and SCCWRP are working to determine the full scope and associated costs of the next phase of studies which would evaluate SHEL in wet weather conditions.

Chair Swan asked what the next step would be to obtain the extension. Ms. Carr said that this has been discussed at the Management Committee and she will meet with Ms. Smythe in January and bring back an update to the Committee in March.

Ms. Amanda Swanson asked if there is a report available on the data to identify the methodology of the study and the approach for the wet season. Ms. Carr said that she would provide the documentation when it is available.

**Recommended Action:** Receive and file.

*Motion:* Receive and file  
*Abstained:* Hope Smythe  
*Outcome:* Approved by consent

Chair Swan directed staff to seek an extension on TMDL.

**ITEM # 3      Review of Fecal Coliform TMDL Annual Report (Recording: 00:38:23)**  
**Michael Mori, County of Orange**

Mr. Michael Mori, County of Orange, provided an overview summary of the Fecal Coliform TMDL annual report submitted to the Santa Ana Regional Board in September 2020. The report included both an analysis of 2019-20 monitoring data and an update of the time schedule order (TSO) progress.

Sampling was performed at a total of 35 stations from April 1, 2019 to March 1, 2020. The data presented were for REC-1 in Upper and Lower Newport Bay with the geomean target being 200 CFU/100 mL. The single sample target was not more than 10% above 400 CFU/100 mL. The annual geomean of all samples for Upper Bay was 14 CFU/100 mL and 17 CFU/100 mL for the Lower Bay. The same data was provided for the Fecal Coliform SHEL targets, which are a monthly median target of 14 CFU/100 mL. The results were an annual median of 9 CFU/100 mL for the Lower Bay and 9 CFU/100 mL for the Upper Bay. Mr. Mori also provided an update on the TSO progress, stating that everything is moving along according to the prescribed deadlines.

Chair Swan and Ms. Swanson requested details on the specific TSO tasks and what the projects entail. Ms. Carr provided details for each task and explained some of the permitting concerns that are currently being faced.

**Recommended Action:** Receive and file

*Motion:*            *Receive and file*  
*First/Second:*   *Amanda Swanson/Katrina Foley*  
*Outcome:*        *Approved by consent*

**ITEM # 4      Copper TMDL Regulatory Update (Recording: 00:57:51)**  
**Terri Reeder, Santa Ana Regional Water Quality Control Board**

Ms. Terri Reeder, Santa Ana Regional Water Quality Control Board, provided an update on development of the Copper TMDL. The Regional Water Quality Control Board is currently working with stakeholders on revisions and updates to the documents; once that phase is completed it will be released to the public for comment. The TMDL is planned to be presented to the Board on May 7, 2021 for consideration and adoption. The date may change depending on the review time by the U.S Environmental Protection Agency.

**Recommended Action:** Receive and File

*Motion:*            *Receive and File*  
*First/Second:*   *Katrina Foley/ Peer Swan*  
*Outcome:*        *Approved by consent*

**ITEM # 5      UCI/ SCCWRP SEDRISE Grant Final Results (Recording: 01:00:23)**

**Dr. Eric Stein, Southern California Coastal Water Research; and Dr. Brett Sanders, University of California, Irvine**

Dr. Eric Stein, Southern California Coastal Water Research presented results of the UCI/SCCWRP SEDRISE grant study. This was a multiyear study, the goals for which were to (1) quantify the movement of sediment through the watershed; (2) evaluate effects of sea level rise on Newport Bay; (3) identify innovative, integrated strategies to manage sediment in a way that benefits the Newport Bay Watershed; and, (4) focus on long term strategies.

Accomplishments of this project, which is concluding, included a more comprehensive understanding of factors that influence sediment delivery and accumulation at the coast and an improved ability to understand sea level rise and how management decisions affect sensitive marsh bird species. The study also has led to the development of several tools, including detailed models of Newport Bay and scenario analysis curves to inform management decisions regarding future dredging.

Chair Swan asked whether the rate of uplift long the coast was considered during the study. Dr. Stein responded that the researchers used the relative rate of sea level rise, which does consider rates of uplift and subsidence.

Terri Reeder, Regional Water Quality Control Board, expressed interest in reviewing the papers and having a presentation.

**Recommended Action:** Receive and File

*Motion:*            *Receive and File*  
*First/Second:*   *Amanda Swanson/ Peer Swan*  
*Outcome:*        *Approved by consent*

**Item #6                            2020 Year-End Summary and Topics for 2021 (Recording: 01:34:26)**  
**Amanda Carr, County of Orange**

Ms. Amanda Carr, County of Orange provided a summary of the items that were presented throughout 2020 and a list of proposed topics that will be presented for 2021. Chair Swan requested that a trash update be provided. Peer Swan also requested a tour of San Diego Creek.

**Recommended Action:** Receive and File

*Motion:*            *Receive and File*  
*First/Second:*   *Katrina Foley/ Peer Swan*  
*Outcome:*        *Approved by consent*

**ITEM # 7                        2021 Proposed Meeting Scheduled (Recording: 01:40:53)**  
**Amanda Carr, County of Orange**

Ms. Amanda Carr presented the proposed meeting dates for 2021. March 17, 2021, June 16, 2021, September 15, 2021 and December 15, 2021.

**Recommended Action:** Approve the schedule

*Outcome: Affirmed without formal action*

**ITEM # 8 Executive Officer Report (Recording: 01:42:10)**

Ms. Amanda Carr provided an update on the Organochlorine Compounds TMDL. An assessment of the compliance status was included in the NPDES annual report.

Ms. Carr also formally recognized both Dr. Allan Bernstein, City of Tustin, and William von Blasingame, Santa Ana Regional Quality Control Board, who both served on the committee for a number of years. Chair Swan will be signing and sending out a letter of recognition on behalf of the Committee.

**ITEM # 9 Executive Committee Member Comments (Recording: 01:45:03)**

Mr. Austin Lumbard introduced himself to the Committee as the new representative for the City of Tustin.

Ms. Hope Smythe informed the committee that Mr. von Blasingame enjoyed his participation in the Committee and a new member will be appointed for the March meeting.

**ITEM # 10 Public Comments (Recording: 01:47:06)**

Chair Swan opened the floor for public comments; there were no public comments.

**ITEM # 8 Adjournment (Recording: 01:47:12)**

Next Meeting March 17, 2021.

Non-Committee Attendees:

Alex Waite	City of Tustin
Craig Foster	City of Santa Ana
Dan Tran	County of Orange
Eric Stein	Southern California Coastal Water Research
James Fortuna	County of Orange
Jason Freshwater	Santa Ana Regional Water Quality Control Board
Jian Peng	County of Orange
John Kappeler	City of Newport Beach
Kelvin Liu	County of Orange
Kevin O'Toole	Orange County Water District
Mark Tettermer	Irvine Ranch Water District
Michael Mori	County of Orange
Sarah Chiang	County of Orange
Steve Weisberg	Southern California Coastal Water Research Project
Susan Paulsen	Santa Ana Regional Water Quality Control Board
Terri Reeder	Santa Ana Regional Water Quality Control Board



**Committee Staff:** Chris Crompton, Christy Suppes, Andrew McGuire, Maria Tamez

**ITEM # 2. UPPER NEWPORT BAY ECOSYSTEM RESTORATION PROJECT: BATHYMETRY SURVEY RESULTS**

Presentation by: Dr. Steve Mooney, MTS

**Recommended Action:** Receive and File

Dr. Robert Mooney will provide final results of the 2020 bathymetric monitoring for the Upper Newport Bay which was completed as part of the Year 10 required monitoring under the Upper Newport Bay Ecosystem Restoration Project's Post-Restoration Monitoring Program. The goal of the post-restoration monitoring was to observe changes in bathymetry over the survey area and to determine the performance of the Upper Newport Bay restoration including the sediment basins. Bathymetric monitoring is critical to ensuring that the ecosystem is maintained in a manner that protects beneficial uses associated with wetlands and wildlife.

The Year 10 monitoring was compared to prior surveys and shows, based on current projections, there is sufficient storage capacity in the sediment basins and the system is capable of functioning for 20 or more years.

**ITEM #3. UPPER NEWPORT BAY ECOSYSTEM RESTORATION PROJECT: VEGETATION SURVEY RESULTS**

Presentation by: Rachel Woodfield, Merkel and Associates

**Recommended Action:** Receive and File

Rachel Woodfield will provide final results of the 2020 vegetative monitoring for the Upper Newport Bay which was completed as part of the Year 10 required monitoring under the Upper Newport Bay Ecosystem Restoration Project's Post-Restoration Monitoring Program. The vegetation monitoring consisted of habitat mapping, which was conducted through digitized aerial imagery and ground truthing through vegetation transect monitoring which was used to characterize low, middle, and high marsh communities. The presentation will compare the Year 10 monitoring to prior years and show current conditions relate to the restoration project in general.

**ITEM # 4. REVIEW OF 2017-22 EXECUTIVE ACTION PLAN PROGRESS AND 2022-27 EXECUTIVE ACTION PLAN DEVELOPMENT**

Presentation by: Christy Suppes, County of Orange

**Recommended Action:** Provide direction on approach and timeline

The Executive Action Plan (Plan) was first prepared in 2010 with the support of the Newport Bay Management Committee, and subsequently updated in 2017. The Plan includes the following elements:

1. The water resource, water quality, and habitat issues facing the watershed
2. The goals and roles of the Executive Committee
3. The associated costs and financial implications of the watershed issues and their impact on each Executive Committee organization and other watershed stakeholders

Christy Suppes, County of Orange, will provide an update on the Plan Schedule detailed in Section 7 of the Plan, as well as outline the process for updating the Plan for a subsequent five-year term.

**ITEM # 5. EXECUTIVE OFFICER REPORT**

**ITEM # 6. EXECUTIVE COMMITTEE MEMBER COMMENTS**

**ITEM # 7. PUBLIC COMMENTS**

**ITEM # 8. ADJOURNMENT**

Next Meeting Date: June 16, 2021