

**Montezuma Project Technical Review Team
First Information Package
October 25, 2002**

To: Members of the Montezuma Wetlands Project Technical Review Team (TRT)

From: Josh Collins and Cristina Grosso, TRT Administrators

The kickoff meeting of the TRT is scheduled for 9 am to 3 pm, Tuesday November 19 at the Bird's Landing Hunting Reserve clubhouse in Bird's Landing, Solano County.

This information package includes the following materials for the Kickoff meeting:

- ☞☞ Directions to the meeting;
- ☞☞ Kickoff meeting agenda;
- ☞☞ TRT roster
- ☞☞ Project site map;
- ☞☞ Basic project description;
- ☞☞ A list of TRT fundamentals;
- ☞☞ The Charter Agreement that has been developed by SFEI and the Montezuma Project to define the TRT and its role, in accordance with Project's permits (specifically the USACE 404 permit);
- ☞☞ Table 1: subject matter and anticipated workload of the TRT;
- ☞☞ Table 2: anticipated work schedule for the TRT; and
- ☞☞ Table 3: estimated average hours required during a year for TRT members to meet their obligations to the TRT.

More detailed, technical materials will be provided to you at the kickoff meeting.

Please send any questions or comments to us by email. We look forward to working with each of you and all of you.

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Fundamentals of the Montezuma Project TRT
September 2002

1. The Montezuma Project has hired independent consultants to implement the monitoring plan that was agreed upon by the Project and the regulatory agencies through the permitting process. The TRT will not be doing the monitoring.
2. The TRT exists to help the regulatory agencies assess the status and trends of the Project based on the monitoring data that are collected by the Project's consultants. To provide this help, the TRT must critique the data, methods of data collection, interpretations of the data that are provided by the Project, and recommend which contingency measures may be necessary to achieve performance criteria. Recommendations may also be made to improve monitoring methods and emphasis, but TRT must be aware that most of the monitoring is stipulated in Project permits issued by USACE, RWQCB, BCDC, and the County of Solano.
3. The TRT will provide at least one report each year through SFEI to the Army Corps of Engineers. These reports can vary in scope and content based on the status of the Project. The reports are advisory only. In terms of overall Project management and implementation, the TRT is an advisory group, not a decision-making group.
4. The TRT might exist for 25 years. The TRT therefore has a mechanism for adding or replacing members, and the first years of the TRT must involve some careful self-evaluation.
5. SFEI will re-negotiate its contract role with MWLLC to administer and manage the TRT each year, but the TRT membership may continue under the administration of another non-profit entity should the role of SFEI change.
6. The Montezuma Project is ecologically large (it represents a significant increase in tidal lands within the Suisun area), and technically complex (the Project involves many habitat types and much engineering through phased project development). The TRT members will therefore have to work together to understand and effectively review the Project.
7. The TRT workload will vary over time because the Project will be implemented in phases over many years. Therefore, the monitoring topics will likely vary over time and within each Project phase.
8. Some TRT members will have more work than others because the subjects are not evenly distributed among the members, and the amount of monitoring data is not evenly distributed among the subjects.
9. The TRT will strive to maximize the usefulness of technical information that flows to the agencies from the Project. The TRT will therefore get feedback from the agencies about the usefulness of the TRT products.

MONTEZUMA WETLANDS PROJECT
Technical Review Team (TRT) Charter
September 2002

1.0 INTRODUCTION

This Charter Agreement (“the Charter”) is established in accordance with Special Condition #1 in the U.S. Army Corp of Engineer’s – San Francisco District (“USACE”) Permit No. 19405N, dated September 24, 2001, authorizing construction and operation of the Montezuma Wetlands Project (“the Project”). Special Condition #1, proved as Attachment A, specifies that the Project permittee, Montezuma Wetlands LLC (“MWLLC”), is to enter into a contract with a non-profit organization to coordinate and manage a technical review team (“TRT”) to provide expert and objective analysis and recommendations on subjects associated with the construction, monitoring, and performance of the Project. This Charter will become part of the contract between MWLLC, and the non-profit entity selected to manage and contract with the TRT. The San Francisco Estuary Institute (“SFEI”) is currently selected by MWLLC to be the non-profit entity.

1.1 Project Summary

The Project will restore approximately 1,820 acres of tidal, seasonal, and managed wetlands in an eastern portion of Suisun Marsh where the Project site has been diked and used for agriculture for more than 100 years. The approximately 2,400 acre site is located on the eastern side of Montezuma Slough near the town of Collinsville, California in Solano County. As a result of perimeter levees that isolate the site from Bay-Delta tidal waters and the historical pumping of surface water off the site for agricultural purposes, the current surface elevations have subsided about 4-6 feet below sea level.

Approximately 17 million cubic yards of sediment dredged from the San Francisco Bay-Delta will be used to raise surface elevations to conditions suitable for tidal marsh to be re-established at the site. Material dredged from the Bay-Delta (cover and noncover sediment suitable for restoration purposes) will be barged to the site, off-loaded, and placed in settling cells until target elevations are reached. The Project also includes a sediment rehandling facility that will be used to dry additional incoming dredged sediments (cover sediment only) for both on-site use in levee construction and for off-site reuse.

The Project will be monitored during Project construction (estimated to take 15 years) and for at least 10 years after the Project has been completed. The monitoring program is extensive and covers a wide range of physical, chemical, and biological elements including levee stability, settlement, sediment and water quality, and vegetation and special status species surveys. Much of the monitoring data will be compared to data collected from selected reference sites throughout Suisun Marsh and the Bay-Delta region; reference site monitoring will be conducted as part of this Project and/or as part of other related projects in the region. Details of the Project’s monitoring program are

presented in the *Mitigation, Monitoring, and Reporting Plan, dated June 20, 2000*, which is updated as needed and in accord with the Project's local, State, and Federal permits.

Monitoring data and specific Project aspects, as requested by the USACE to MWLLC, will be evaluated by a technical review team ("the TRT") that will provide expert and objective analysis and recommendations on subjects associated with Project construction, operations, and performance.

1.2 Charter Purpose

The purpose of the Charter is to outline the working framework and provide the basic understanding between the MWLLC and the non-profit entity, SFEI, selected to administer the TRT. The Charter provides the guidelines for how the TRT will provide their expert and objective analysis and recommendations, how SFEI will manage the TRT, how each of the main entities (MWLLC, SFEI, TRT, and USACE) communicate throughout this process, and the responsibilities of each of these groups. This Charter can be changed only through the agreement of MWLLC and USACE.

1.3 Charter Outline

The elements described in this Charter are provided below in the following Sections:

- Section 2.0** Technical Review Process
- Section 3.0** Technical Review Team (TRT) Membership
- Section 4.0** Expectations of the TRT
- Section 5.0** Expectations of SFEI
- Section 6.0** Expectations of MWLLC
- Section 7.0** Ground Rules for Communication and Meetings
- Section 8.0** Primary Contacts

2.0 THE TECHNICAL REVIEW PROCESS

The overall technical review process and flow of information between the TRT, SFEI, MWLLC and USACE is described below; the main elements of this process can be described sequentially as follows:

- A. USACE will provide a statement of need to MWLLC for specific tasks to be performed by SFEI and the TRT. The tasks may be broad in scope (e.g., assess whether the monitoring results are meeting project objectives) or specific in scope (e.g., assess whether the design elevation in certain portions of the high marsh in Phase I should be lowered by 0.5 to 1.0 feet). The
- B. MWLLC will contract with a non-profit entity, in this case SFEI, to provide services specified in the scope of work ("the Scope") developed from the USACE statement of need. To initiate the Contract, the first Scope may consider Condition #1 in the USACE

Permit No. 19405N to be USACE's "statement of need." Clarifications of the Scope requested by SFEI shall be addressed by MWLLC who, if necessary, will contact USACE to clarify the Scope.

C. SFEI will select and subcontract with individuals for membership and participation in the TRT to implement the Scope requested by MWLLC. Some members of the TRT may be government agency personnel who may not require a subcontract with SFEI.

D. Under contract to MWLLC (or their representatives), the Project's consultants will conduct monitoring, collect data, analyze and interpret data in summary and detailed reports, develop final design plans, or provide any other deliverable required by SFEI to conduct the Scope, and deliver these products to the USACE and SFEI according to the requisite time schedules provided in the Project permit.

E. MWLLC (or their representatives) will compile, synthesize, and make copies of data and evaluations from Project monitoring and distribute that information by hard copy via regular mail, electronic mail, or via a web-based data management system to SFEI and the TRT members (as well as to agencies as required by the Project permits).

F. The TRT will provide analysis of and/or recommendations pertaining to the data and deliverables as requested in the Scope. The Scope could include matters pertaining, but not limited, to the following elements:

- ?? quality of the monitoring data, analyses, results and conclusions;
- ?? assessment of the monitoring results relative to project goals and requirements;
- ?? compliance with performance standards;
- ?? initiation of new Phases;
- ?? determination of when a completed Phase may be breached;
- ?? establishment of appropriate reference sites for monitoring purposes;
- ?? optimum contingency measures to be implement if needed; and
- ?? adaptive management changes to retrieve better monitoring information and to enhance habitat establishment and Project performance.

G. TRT members will review data and information provided by MWLLC for adequacy and provide reports of key findings and recommendations to SFEI and MWLLC. The TRT is not a decision-making body, its purpose is solely advisory.

H. SFEI will summarize the key findings and recommendations and provide a report to the USACE and MWLLC, with copies to the TRT members. MWLLC will provide copies of this summary report to other agencies as needed.

3.0 SELECTION OF TRT MEMBERS

The TRT is expected to be comprised of a variety of scientists and wetland restoration practitioners who will ultimately need to cover a wide range of expertise and subjects, including: wetland restoration science, biology, chemistry, toxicology, ecology of special

status species, plant ecology, and hydraulic and restoration engineering. Because of the overlapping areas of expertise commonly observed in science and in restoration practice, one TRT member can cover more than one area of expertise. Individuals selected to satisfy the range of expertise required are anticipated to come from a variety of sources, including local, state, and federal agencies, universities, non-governmental organizations, and the private sector.

The final selection of TRT members, including any changes made to the team throughout the course of its lifetime, will be at the sole discretion of the non-profit entity, SFEI. Although the final selection of TRT members will be made solely by SFEI, their list of designated TRT members will be submitted to MWLLC for comment prior to contracting with TRT members. SFEI shall submit the list of TRT members to the USACE for review and approval solely as to the sufficiency of the technical qualifications of each designee to cover the tasks the USACE requested the permittee (MWLLC) to evaluate.

3.1 Conflicts of Interest

No individual or immediate family member of an individual currently receiving financial compensation from MWLLC (or from their subcontractors) for performing work related to the study, monitoring, or assessment of the Project may serve on the TRT. Individuals who have worked directly for MWLLC or their contractors on the Project at some time in the past but have ceased their work for MWLLC and their contractors on the Project are not prohibited from participating on the TRT. Similarly, no individual who is receiving compensation from or is associated with any of the entities that have current litigation (or formal threats thereof) pending against the Project or any of their permits may serve on the TRT.

It is the responsibility of any potential (or selected) TRT member to make such relationships known to SFEI and the other TRT members. All TRT members will strive to avoid real or appearances of conflicts of interest to ensure that the review process is fair, objective, and unbiased.

3.2 Termination and Replacement of Membership on the TRT

Membership on the TRT is at the sole discretion of the non-profit entity, in this case SFEI. A member may resign at any time, although a 30-day notice is desirable.

A member may be removed at the sole discretion of SFEI for the following reasons (not all inclusive):

- ?? a member has a conflict of interest as described in Section 3.1;
- ?? a member misses three consecutive unexcused meetings;
- ?? a member fails to meet schedule and budget as outlined in the Scope or in the subcontract that member has with SFEI;
- ?? a member fails to comply with communication ground rules as presented in Section 7.

4.0 EXPECTATIONS FOR THE TECHNICAL REVIEW TEAM (TRT)

A. In accordance with the Scope, TRT members are expected to review the relevant documents (provided by MWLLC) focusing on elements required by the Scope and that fall within the members' areas of expertise. The TRT is not a decision-making body; its findings are solely for advisory purposes. The tasks for a TRT member may vary as the Project progresses and there is a change of needed expertise. However, in general, the USACE is interested to know if during implementation of the Project proper QA/QC procedures are followed, if the monitoring data provide sufficient information to evaluate Project performance, and if conclusions reached by the monitoring contractors to MWLLC are scientifically valid.

B. TRT members may consult as necessary with colleagues on the MWLLC team responsible for collecting and analyzing the monitoring data or generating design plans, provided that the information remains confidential until the related report covering that information is released by SFEI. TRT members shall keep a communication log of contacts with MWLLC representatives. The consultation of TRT members directly with MWLLC contractors or subcontractors is to be primarily for obtaining clarification of technical procedures and findings and gaining additional insight to augment the expertise of the TRT.

C. TRT members need to recognize that they are part of an adaptive management process. As such, TRT participants may be asked to provide recommendations to the SFEI, MWLLC, and USACE on the phasing of the Project, potential changes to the monitoring methods or performance standards currently described in the MMRP, location of reference sites or on important project design and operating elements. In these and all other instances, the TRT members are solely providing advice to the SFEI, MWLLC, and USACE, and final decisions regarding actual implementation of corrective actions, phasing, alterations or revisions to any aspect of the MMRP will reside with the USACE and the relevant permitting agencies.

D. Subjects related to wetland policy, regulations, and other non-technical issues are not within the purview of the TRT and its members should refrain from making comments on issues outside of the relevant technical or scientific realm.

E. TRT members are expected to attend the meetings required to conduct the Scope. There will likely be at least one annual meeting of the entire group and no more than three other meetings per year.

5.0 EXPECTATIONS FOR SFEI

A. SFEI will be responsible for all administrative aspects for implementing and managing the TRT. SFEI will select and subcontract with individual members that serve on the TRT; subcontracts are not required for TRT members associated with government agencies (e.g., USEPA, RWQCB, BCDC, CDFG, USFWS, NMFS).

B. SFEI will establish a schedule of meetings for the calendar year, prepare agendas for that meeting, provide a facilitator, prepare minutes of the major elements of the meetings, and distribute the minutes within 6 weeks of the meeting date to the TRT members, MWLLC, and the USACE.

C. SFEI will prepare at least one report each year that summarizes the results of the TRT's evaluations and recommendations. SFEI will strive to achieve consensus on the advice, recommendations, and findings provided by the TRT. In SFEI's summary reports, SFEI shall indicate the majority findings of the TRT and, if necessary, include the minority view (including comments by MWLLC), where consensus was not achieved. In all delivered reports, SFEI shall certify the validity, accuracy, and quality of the analysis, conclusions, and any recommendations therein.

6.0 EXPECTATIONS FOR MWLLC AND ITS REPRESENTATIVES

A. MWLLC will prepare a Scope based on the USACE "statement of need" which will direct the efforts of SFEI and the TRT. This Scope can be changed at the request of the USACE, and any changes requested by USACE will be immediately conveyed to SFEI by MWLLC.

B. MWLLC will provide to the SFEI and TRT all necessary Project data, information, and reports required for the TRT to conduct work specified in the Scope.

C. MWLLC will be responsible for providing copies of all relevant data, information, and reports to the necessary agencies as the Project permit requires.

7.0 GROUND RULES FOR COMMUNICATION AND MEETINGS

7.1 Ground Rules for Activities Conducted Outside Regularly Scheduled Meetings

A. TRT members are free to contact any other TRT member or SFEI staff to discuss findings and analyses, or to ask administrative questions.

B. TRT members may contact the MWLLC scientists or technicians who collect or evaluate data and information that is under review for clarification or to answer technical questions (see also Section 4.0.B).

C. TRT members shall refrain from divulging to agencies, colleagues or associates outside the TRT, or to the general public technical information under review or the results of individual or collective TRT reviews until such time as the related reports of the TRT are produced by SFEI and provided as final report to the USACE. Any inquiries from agencies, the general public, or the press to members of the TRT shall be referred directly to SFEI. (See also Section 4.0.B)

D. TRT members shall not talk to the press or any member of the television or radio media about matters related to the Project without express approval of SFEI and MWLLC.

E. MWLLC and their representatives may contact members of the TRT for the purposes of providing new or clarifying data, information, or responding to questions raised by a TRT member.

7.2 Ground Rules for Meetings

The following simple rules shall be followed by each of the TRT members and all meeting attendees:

1. We agree to disagree respectfully.
2. One person speaks at a time; let others finish without interruption.
3. Each person is responsible for coming to the meeting prepared and having completed tasks as agreed to in advance.
4. Encourage each other to speak freely and safeguard confidential statements.
5. Confine your discussion to the present agenda topic.
6. Issues raised within the TRT belong to its whole membership that is responsible for discussing and resolving the issue.
7. There can be no personal attacks; be hard on the issues, soft on the people.
8. Check your own assumptions.
9. Respect time limits; arrive on time; start and end on time; and come back from breaks on time.
10. Always fully comply with the purpose of the TRT as set forth in this charter.

8.0 LIST OF PRIMARY CONTACTS

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Table 1
Montezuma Wetland Project
Technical Review Team Assignments Version 1.0
2002-03

General Subject	Monitoring Activity	Frequency of Input to TRT (during 4 th quarter of 2002 and 1 st – 3 rd quarters of 2003 or otherwise noted)	TRT Member
Seismicity	Post-earthquake assessment	TBA	Orr
	Re-survey of levee benchmarks	TBA	Polson
	Design, repair, maintenance records	TBA	Polson
Levee Stability & Mud Waves	Bathymetric survey of Montezuma Slough	Once for each Phase 02-4	Orr/ Malamud- Roam
	Visual observation of levees	02-4 03-1,2,3,4	Polson
	Slope inclinometer readings	02-4 03-3,4	Polson
	Surcharge loads	02-4 03-3,4	Polson
	Hydrostatic pressure	02-4 03-3,4	Polson
	Settlement monitoring	02-4 03-1,2,3,4	Polson
Elevation Control of Placed Sediment	Grade poles survey & direct measurements	03-3,4	Polson
	Pre-breach surveys	Starting 2004	Orr
	Post-breach topographic surveys	Starting 2005	Orr
	Visual monitoring of mounding at discharge pipe	03-3,4	Orr
	Consolidation of noncover sediment	03-3,4	Polson
	Plasticity index (PI), TOC, grain size	02-4 03-2,4	Polson
	Cover sediment placement in noncover cells	03-3,4	Polson
Wave Fetch	Wave fetch and sediment accretion	Starting 2005	Orr
Channel Migration	Location and depth of 1 st and 2 nd order channels	Starting 2006	Malamud- Roam
	Noncover levee separation compaction	02-4 03-2,4	Polson

Table 1 Continued

Subject	Monitoring Activity/Task	Frequency of Input to TRT (during 4 th quarter of 2002 and 1 st – 3 rd quarters of 2003 or otherwise noted)	TRT Member
Drinking Water Aquifer	Water level monitoring	03-1,2,3,4	Malamud-Roam
Grain Size of Cover Sediments	Grain size	03-3,4	Polson
Sediment, Water, and Tissue Sampling and Analyses	See Table 8, <i>Mitigation, Monitoring, and Reporting Plan</i> , MWLLC, 20 June 2000	02-4 (background) 03-3,4	Greenfield/ Davis
Vegetation	SMHM habitat	02-4 03-1,3	Shellhammer
	Low marsh, intertidal ponds, Clank Hollow, fluvial hollows	03-4	Breaux/Batha
	Weeds, visual inspection	03-1	Breaux/Batha
	Weeds, quantitative	03-1	Breaux/Batha
SMHM	Pre-construction surveys	03-1	Shellhammer
	Population surveys in created habitat	Starting 2005 (translocation methods in 2004)	Shellhammer
Vernal Pool and Invertebrates	Pre-construction invertebrate surveys	02-4	<u>Stromberg</u>
	Vegetation	03-3	Baye/Stromberg
	Hydrology	03-3	Baye/Stromberg
Fish	Vegetation surveys at preliminary breach locations	For Phase II; 2004 (Phase I already designed)	Breaux/Herbold
	Fish surveys in created habitat	Starting 2005	Herbold
	Fish habitat surveys	Starting 2005 (reference site data in 2003)	Herbold
Rare Plants	Pre-construction surveys	For Phase II; 2004 (Phase I construction already in process)	Baye
	Surveys of restored rare plant populations	03-1	Baye

Table 1 Continued

Subject	Monitoring Activity/Task	Frequency of Input to TRT (during 4 th quarter of 2002 and 1 st – 3 rd quarters of 2003 or otherwise noted)	TRT Member
Interim Habitat Enhancement	Visual surveys for ponding in Phases II through IV	03-1,3	Malamud-Roam
Red Swamp Crayfish (after tides restored)	Presence, absence, densities in created habitat	Starting in 2005	Herbold
Burrowing Owl	Pre-construction surveys	03-1	Didonato
	Burrow closure	03-1	Didonato
	Surveys in created habitat	03-1	Didonato
Pond Turtles	Habitat surveys	2003-1	Didonato/Herbold
Birds	Depth and duration, acres of ponding (after tides restored)	Starting in 2005	Malamud-Roam
	Surveys in created habitat (after tides restored)	Starting in 2005	Didonato
	Surveys of noncover cells	03-3,4	Didonato
	Invertebrate biomass (after tides restored)	Starting in 2005	Thompson
Operations Monitoring (cultural, road, dust, noise)	See Table 10, <i>Mitigation, Monitoring, and Reporting Plan</i> , MWLLC, 20 June 2000	Some Quarterly (e.g., noise, dust) minimal review	Batha
Reference Site Selection Review	Review of plan by full TRT	02-4	Whole TRT
Phase I Design Review	Hi Marsh design elevation for SMHM	03-1	Malamud-Roam/Shellhammer
Special Project 1	Wetlands Enhancement Plan for Unfilled Phases	02-4	Whole TRT
Special Project 2	Confirmation Testing of Port of Oakland Sediment	02-4	Greenfield/Davis
Special Project 3	Design Elevations of High Marsh to Support SMHM.	03-1	Malamud-Roam/Shellhammer/Orr

Table 2

**Montezuma Wetland Project
Anticipated Number of “Reports*”
For Each TRT Member
2002 through 2005**

Sediment assumed to arrive at site no earlier than April 2003

TRT Member	2002				2003				2004				2005			
	Quarter				Quarter				Quarter				Quarter			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Batha				1	3	1	1	1	3	1	1	1	3	1	1	1
Breaux					4				4				4			
Didonato					7				7				7			
Baye				1	4		1		4		1		4		1	
Greenfield/Davis				1			12		12		12		12		12	
Herbold													2			
Malamud-Roam				5		4			4				4			1
Orr				4		3		1		3		1		3		2
Polson				13		13				13				13		
Shellhammer				1	1		1		2		1		2		1	
Stromberg					3		1		3		1		3		1	
Thompson																1

- * Each “report” simply consists of a set of tables and/or graphs plus associated text provided to the TRT from the Montezuma Project for one monitoring task or topic, such as “groundwater level” or “concentration of metals in dredged sediment,” or “Salt Marsh Harvest Mouse abundance and location.”

These “reports” will be short (although some will be longer than others), and the reviews can also be short.

The number and timing of the “reports” is estimated from the monitoring plan and may change.

 = TRT meeting.

It is anticipated that the TRT members will meet together once in the 2nd quarter and once in the 4th quarter of each year to integrate among the individual reviews. There will be a kick-off meeting of the TRT in the 4th quarter of 2002.

Table 3

**Expected Average Hours of Work
For a TRT Member
During FY 2002 and FY 2003**

These are very general estimates of the amount of time TRT members will have to commit to Project review during the first two years of the TRT.

After 2002, most of the workload will happen in two pulses about 5-6 months apart. The larger of the two pulses will happen during the annual report each Spring. The timing of the annual report is not definite at this time, however.

Actual hours of work will exceed these estimates for TRT members who focus on chemical factors that are emphasized during the first few years of monitoring.

2002

Kick-off Meeting (November)

hrs in preparation	4	
hrs in meeting	4	
hrs to review meeting results	1	
Total hrs for kick-off		9

Post-construction Meeting (November)

hrs in preparation	5	
hrs in meeting	4	
hrs to review meeting results	1	
Total hrs for this meeting		10

2003

First Annual TRT Meeting (June)

hrs in preparation	8	
hrs in meeting	4	
hrs to review meeting results	6	
Total hrs for this meeting		18

First Mid-year Meeting (November)

hrs in preparation	5	
hrs in meeting	4	
hrs to review meeting results	1	
Total hrs for this meeting		10