



LONG TERM MANAGEMENT STRATEGY

LTMS 12-Year Review Policy and Strategy Meeting

MEETING HIGHLIGHTS

San Francisco Bay Regional Water Quality Control Board
Conference Room 2, 1515 Clay Street, 2nd Floor, Oakland
Tuesday, November 20, 2012, 1:00 to 4:00 PM

INTRODUCTION

MEETING ATTENDEES

Please email [Katie Chamberlin](mailto:katie.chamberlin@spn.usace.army.mil) for a scanned copy of the meeting sign-in sheet.

MEETING MATERIALS

The Background Information Document, meeting agenda, and meeting minutes are available at http://www.spn.usace.army.mil/ltms/ltms_program_review.html.

MEETING PURPOSE

Collect stakeholder input on the effectiveness of key policies and strategies administered over the past 12 years.

Welcome, Introductions, and Purpose – Presented by Bruce Wolfe (San Francisco Bay Regional Water Quality Control Board [Water Board]) and Brenda Goeden (San Francisco Bay Conservation and Development Commission [BCDC])

Bruce welcomed meeting participants, and Brenda presented an overview of the Long Term Management Strategy Program for the Placement of Dredged Material in the San Francisco Bay Region (LTMS) 12-year review process that began on March 29, 2012. The 12-year review process involves LTMS agencies analyzing and disseminating basic data about the program's performance to date and holding a series of meetings with stakeholders (each focused on a different key topic suggested by stakeholders) culminating with a summary report. This process, the summary report, and any recommendations resulting from stakeholder meetings will form the basis for discussing the need for future changes to the program. At the March 29 meeting, stakeholders identified beneficial reuse, costs and contracting, and policy and strategy development as the three most important topics for future 12-year review process meetings. This meeting is the last of the three scheduled meetings.

Management Plan Implementation Measures – Presented by Brenda Goeden (BCDC)

Brenda briefly reviewed implementation measures included in the LTMS Management Plan. Detailed descriptions can be found in Appendix A of the Background Information Document available at http://www.spn.usace.army.mil/ltms/LTMS_docs/Costs_and_Contacting_Meeting/Presentation.pdf.

Key Policies and Strategies – Presented by Brenda Goeden (BCDC)

Brenda discussed the policies and strategies that have been implemented over the past 12 years, including:

- Dredged Material Management Office (DMMO)
- Minimize dredging
- Monthly limits on in-Bay disposal
- LTMS transition path
- Analysis of disposal options
- Establishment of allocations
- Disposal of material from new work dredging in-Bay
- New in-Bay disposal sites
- New in-Bay reuse sites
- Implementing beneficial reuse
- Project Coordination Work Group
- Programmatic consultations with resource agencies.
- Windows Science Strategy
- Funding sources

Further information on these policies and strategies is available in the Background Information Document available at:

http://www.spn.usace.army.mil/ltms/LTMS_docs/LTMS%20%20Policy%20and%20Strategy%20Background%20Info.pdf.pdf.

Public comments pertaining to this presentation included:

- Bill Brostoff (U.S. Army Corps of Engineers [USACE]) commented that the Port of San Francisco's (POSF's) salmon study should not be used for decision making. Jay Ach (POSF) responded that, despite its flaws, the multi-year study should not be dismissed as it indicates that the exposure time for salmonids at dredging locations is minimal. Even at sites with unsuitable dredged material, the change in water chemistry and turbidity is minimal. Therefore, there is likely little or no impact to migrating salmonids. Brian Ross (U.S. Environmental Protection Agency [USEPA]) suggested that the LTMS re-evaluate all studies previously performed to obtain a comprehensive understanding of what is currently known and unknown. Dick Butler (National Marine Fisheries Service [NMFS]) commented that while data from this study has influenced salmonid work windows, impacts to salmonids (specifically juveniles) following exposure are not fully understood. Furthering the study of these impacts would be beneficial.
- Len Cardoza (Weston Solutions) suggested reenergizing the Confounding Factors Work Group to revisit nourishment of bathymetrically-challenged areas.
- Doug Lipton (Lipton Environmental) commented that Valero, Chevron, POSF, and the Port of Oakland have beneficially reused dredged material; however, the USACE has yet to do so this year. The LTMS agencies should require the USACE to facilitate beneficial reuse projects. Brenda clarified that the USACE sent dredged material to the Montezuma Wetland Restoration Site in January 2012; however, the USACE fiscal year 2012 sediment will be taken to the San Francisco Deep Ocean Disposal Site.
- Jim McGrath (BCDC Commissioner and San Francisco Bay Water Board member) commented that beneficial reuse opportunities need to be more practicable.
- Dave Harrison (Operating Engineers Local #3) commented that July was the heaviest dredging dispatch month in 2008, August in 2009, September in 2010 and 2011, and October in 2012. Each year, clients request that dredging operations (for primarily large projects) commence closer and closer to the end of the work window in November. As a result, dredgers are forced to work

heavily over a short period of time. Brenda Goeden (BCDC) questioned why dredging is not occurring in June when the work window opens. Mark D'Avignon (USACE) suggested that this practice may be due to a reliance on work window extensions. Len Cardoza (Weston Solutions) noted that he was surprised to recently learn that very few people understood the requirements or process for permitting dredging projects. John Coleman (Bay Planning Coalition [BPC]) believes that the delays may be due to a lack of equipment in the Bay. Oriana Duranczyk (Dutra) agreed that this situation is likely equipment-related and added that many private projects dredged in August 2011 needed to be dredged again in July 2012. Jessie Burton-Evans (USACE) added that dredging late in the work window may be a result of a variety of factors, including unforeseen results from sediment testing, contracting procedures, bid protests, funding, and equipment availability and performance issues. Josh Gravenmier (ARCADIS) believes that delays are commonly due to sediment testing. In response, Brian Ross (USEPA) briefly discussed the requirements for obtaining Tier 1 approvals.

- Brenda reminded the group that projects located in tributaries to the Bay require Streambed Alteration Agreements from the California Department of Fish and Game (CDFG).
- Ellen Johnck (Independent) suggested reviewing the LTMS-funded science studies, widening work windows, and prioritizing reuse (not disposal) sites, such as the South Bay Salt Ponds project. The LTMS should highlight the importance of the maritime economy and environmental benefits of transporting commerce via water.
- Amy Hutzler (California Coastal Commission [CCC]) reiterated the importance of beneficial reuse and recommended that the LTMS work with the restoration and dredging communities to evaluate the logistics and laws that prohibit beneficial reuse. Beth Huning (San Francisco Bay Joint Venture [SFBJV]) added that efforts are being made to match sediment supply to demand.
- Jim Starr (CDFG) noted that while work windows have been established to lessen impacts to endangered fish species, if an Incidental Take Permit is obtained, it is possible to dredge outside the work windows.
- Barbara Salzman (Marin Audubon Society) noted that beneficial reuse should be encouraged to restore wetlands. Specifically, owners of subsided lands should be given economic incentives to encourage accepting dredged material for wetland restoration.
- Tom Gandesbury (CCC) commented that no reference was made in the Background Information Document to the Clean Air Act, greenhouse gases, sea level rise, or climate change. Ocean disposal is still used despite other available options that are closer. Greenhouse gases released from shipping sediment into the ocean is significant. Is the LTMS taking air quality into consideration? He recommended incorporating air quality and sea level rise into the LTMS program.

Preliminary Conclusions

Dredged Material Management Office – Presented by Rob Lawrence (USACE)

Prior to the DMMO, applicants had to apply to each regulatory agency separately. Applicants can now submit all project documentation to the DMMO for review by a coordinated regulatory team. This process streamlines the permitting process and greatly increases efficiency. In addition to meeting every 2 weeks, DMMO representatives communicate daily. The DMMO encourages maintenance and knockdown projects. Knockdowns focus on spreading material around the dredge footprint to minimize dredging and costs. The DMMO also encourages applicants to apply for Tier 1 approvals. In regards to work windows, Rob noted that a recent herring study confirmed that the herring window was appropriate; however, it would be beneficial to understand if other work windows should be shortened or expanded.

Commencing a dredging project late in the season is discouraged because the work is often unable to be completed in time. BCDC and the USACE encourage dredgers to acquire 10-year permits.

Disposal – Presented by Rob Lawrence (USACE)

Rob noted that disposal operations have been conducted in an environmentally sound manner by testing program improvements and increasing protections for Essential Fish Habitat and sensitive species. The use of Tier 1 approvals and knockdown projects has helped to address costs and timing concerns.

Reuse – Presented by Beth Christian (San Francisco Bay Water Board)

While beneficial reuse has been largely successful, additional feasible sites are needed. The Montezuma Wetland Restoration Site still has more than 13 million cubic yards (cy) of capacity for dredged material. Once the Hamilton/Bel Marin Keys Wetland Restoration Site is complete, it will offer more than 16 million cy of capacity for dredged material.

Transition – Presented by Beth Christian (San Francisco Bay Water Board)

Overall, the LTMS transition has been successful. As long as the 3-year averages do not exceed their limits, allocations will not be invoked.

Funding – Presented by Al Paniccia (USACE)

The LTMS has received strong stakeholder support from various organizations. A large portion of funding has primarily supported scientific studies identified in the Science Work Group framework document. These studies have increased the level of information known and have been used in consultation for the resource agencies. Another large portion of funding has gone to DMMO and USACE staff time. However, since there are no earmarks in Congress for the LTMS program, future funding is unknown. Current funding only covers annual routine projects and 1 or 2 scientific studies.

Next Steps – Presented by Brian Ross (USEPA)

The Policy and Strategy meeting is the last of four meetings intended to review and collect stakeholder input on the 12-year review process. Next, the LTMS will review the three background information documents, preliminary conclusions, stakeholder recommendations received at the meetings, and any additional analyses that may be needed. Stakeholder recommendations will be summarized in a draft report to be released to the public for input. The LTMS will consider updates to the Management Plan.

The meeting was concluded with a final discussion period. Public comments included:

- John Lazorik (Valero) commented that the LTMS is responsible for considering the results of alternatives analyses. Bill Brostoff (USACE) responded that a consultant has been hired to analyze the results of analyses performed to date. A retrospective analysis of science studies is welcomed and could potentially be the basis for a future meeting.
- Bill Brostoff (USACE) recommended that funding be made available for a formal independent review of the LTMS program.
- Brian Ross (USEPA) noted and raised the question that future funding will likely be limited beyond regulatory duties. However, if additional funding is made available, what are the needed studies? Can they be prioritized?
- Renee Spent (Ducks Unlimited) vocalized her frustration with the process of matching sediment to beneficial reuse projects. She also expressed interest in carbon offsetting measures.
- Ellen Johnk (Independent) questioned how recommendations will be reviewed and approved. She recommended preparing a list all of the recommendations made during the 12-year review process that explains the process of sifting through them. Ellen also recommended identifying the obstacles of each beneficial reuse site. More congressional support may be attained in the Bay Area if beneficial reuse is prioritized and viewed as a solution.

- Brenda Goeden (BCDC) suggested that the group meet in February 2013 to discuss the logistics of dredging and upcoming restoration sites. Those who are interested in attending or have recommendations for the meeting should contact Brenda at (415) 352-2623 or brendag@bcdc.ca.gov, or Beth Huning (SFBJV) at (415) 883-3854 or bhuning@sfbayjv.org.
- John Coleman (BPC) questioned the stakeholder's assurance regarding how their comments and concerns will be reflected in the LTMS program moving forward. He also questioned what the California Environmental Quality Act (CEQA) process be included. Brian Ross (USEPA) responded that considering program changes have not yet been identified/confirmed/implemented, the CEQA process is unknown, and added that recommendations from the four meetings will be compiled in the LTMS 12-Year Review Report. It is unclear at this time whether the Management Plan will be revised or amended.
- Doug Lipton (Lipton Environmental) noted that beneficial reuse, when done appropriately, can be cost effective. He recommended that more benefits be provided for implementing beneficial reuse in the Bay. Good quality sediment should not be disposed of in the ocean; it should remain in the Bay for flood control and habitat. He noted that smaller task groups are most effective and asked whether any of the in-Bay disposal limits could be reworked.
- Roberta Goulart (Independent) suggested using the Delta LTMS as a measure of success, because it was modeled loosely after the Bay LTMS. Both organizations have similar fundamental issues (i.e., funding difficulty) and involve similar agencies.
- Jessie Burton-Evans (USACE) stated that, in regards to volume, the USACE is the largest dredger in the Bay. She believes that pushing the stepdown process would cause allocations to be implemented. Therefore, Jessie recommends terminating the existing stepdown process to avoid allocations.
- Josh Gravenmier (ARCADIS) commented that the term 'practicable' is subjective. For Chevron, practicable refers to what is cheapest and easiest. Regulatory agencies have different definitions. This term should be defined within the LTMS. Josh also commented that the overall end goal of the stepdown process is 20 percent on a 3-year average. How will the agencies coordinate with individual dredgers (versus the dredging community) to meet this stepdown goal?
- In response to question on testing requirements, Brian Ross (USEPA) confirmed that, in general, z-layer sampling is performed during full testing. If applicants have passed testing in the prior year and have a positive dredging record, a Tier 1 approval will be issued. John Lazorik (Valero) responded that recently he had a different permitting experience.
- Jim McGrath (San Francisco Bay Water Board) complimented the LTMS for exercising creative mechanisms and discretion to ensure that projects are feasible.
- Ellen Johnck (Independent) recommended that the LTMS change "Dredged Disposal" to "Sediment Management" in its title to shift the focus to beneficial reuse. Brenda Goeden (BCDC) added that a Regional Sediment Management Program is currently being established to address flood control, dredging, watershed restoration, wetlands, and aggregate mining.