



LONG TERM MANAGEMENT STRATEGY

LONG TERM SOLUTIONS WORK GROUP MEETING

Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA

Thursday, February 11, 2010
1:00 PM – 3:00 PM

MEETING NOTES

MEETING ATTENDEES

| | |
|-------------------------------------|---------------------------------------|
| Carolynn Box – BCDC | Ellen Johnck – Bay Planning Coalition |
| Bill Brostoff – USACE | Misty Kaltreider – Solano County |
| Dick Butler – NOAA Fisheries | Rob Lawrence – USACE |
| Len Cardoza – Weston Solutions | Steve Lowe – Port of Oakland |
| Katie Chamberlin – Anchor QEA, L.P. | Debra O’Leary – USACE |
| Mark D’Avignon – USACE | Brian Ross – EPA |
| Victor George – EG Engineering | Shelah Sweatt – USACE |
| Brenda Goeden – BCDC | J.T. Wick – Port Sonoma |
| Jessica Hamburger – BCDC | Andy Winje – Bluewater Design Group |
| Jim Haussener – CMANC | |

REVIEW OF THE LTMS ENVIRONMENTAL WINDOWS WORK GROUP DRAFT WORK PLAN

- Brenda informed the meeting participants that the LTMS Environmental Windows Work Group Draft Work Plan (Draft Work Plan) is being updated. The updated Draft Work Plan will include other process-related documents as appendices. Ellen noted that she didn’t have any edits to sections 1 through 4 of the Draft Work Plan. Katie will edit the Draft Work Plan to reflect the comments received from the various section authors and distribute it to the group revising the Draft Work Plan. Katie will send out a Doodle poll for setting up the next meeting to discuss revising the Draft Work Plan. Jim handed out a table he is planning to include in his revisions to the Draft Work Plan and asked

for the meeting participants to provide comments on the table. Brenda noted that the Dredging 101/201 should be under the Short Term Work Group and that the database should be under the DMMO.

- Brenda addressed emailed comments on the Draft Work Plan from Ellen prior to the meeting. Ellen's first comment suggested that a paragraph on the process for permitting projects taking place outside of the work windows be added to the Draft Work Plan. Brenda noted that the DMMO currently has to deal with green sturgeon and longfin smelt, two species that currently do not have set windows, and they are doing so in different ways. Dick noted that there could be some flexibility in not having hard and fast windows, but instead looking in more detail at finding areas where windows may be shifted. He also noted that NOAA Fisheries always completes risk assessments when making decisions about work occurring outside of windows or for species without windows. Ellen noted that she thought it would be helpful for applicants to better understand on the risk assessments protocols that will be completed for their project. Rob noted that he doesn't believe risk assessments are a "one size fits all" case. Ellen suggested that the LTMS compare the risk assessment protocol Doug Clarke uses with the protocol NOAA Fisheries uses to see if they can apply to species without windows. Jessica mentioned that there is a list of areas with window waivers. Jim noted that he is not sure such generalized guidance is necessary since dredgers and the LTMS face new challenges every year that they are able to find ways to work around. Ellen agreed to review Doug Clarke's presentation and speak about his risk assessment protocol along with a NOAA Fisheries staff member who can present on their risk assessment protocol at the next Short Term Work Group meeting.

STATUS OF HERRING LETTER TO CDFG

- Brenda summarized the revisions she made to the herring letter to CDFG. She noted that the revised letter asks for CDFG's review and requests that CDFG discuss the results of the herring study with the LTMS. Brian noted that he has reviewed the letter to ensure that its tone is consistent with the expectations of the Program Managers, specifically the section of the letter that presents the findings of the study (end of the second paragraph on page 2). Some meeting participants had issues with leaving the text as is due to concerns of it sounding like dredging causes too much of an impact. Brian supported adding a sentence after the study summary sentence noting that the period of sensitivity is much shorter than was originally thought.
- Ellen noted that she feels this letter is a launching pad for a conversation on the science behind the herring windows. She suggested that the last two sentences in the second

paragraph of page 2 be removed to avoid biasing the readers. Jim suggested that the LTMS demand a meeting with CDFG. Brian noted that he feels strongly that we not demand anything of CDFG unless we are requesting something specific, which we are not at this point as there's nothing in the herring study that would change an existing window. Brian also noted that if the LTMS did wish to change the window, then they would need to speak with USFWS, not just CDFG. The group ultimately decided to remove the last two sentences of the second paragraph on page 2 and to add in more information on the future meeting being requested by the LTMS. Brenda agreed to edit the letter and send it directly on to the Program Managers.

WORK GROUP STATUS UPDATES

SCIENCE ASSESSMENT AND DATA GAPS WORK GROUP

- Bill reported that UC Davis has released 500 salmon and steelhead and is currently revising the findings report from 2006-2008. The USACE is still reviewing the 2009 fish tracking report and Bill expects UC Davis to complete another revision of the document prior to the rest of the LTMS reviewing it. Bill noted that the 2007 literature reviews are still being revised in response to USACE comments. The Draft Least Tern Report has been submitted to the USACE and will likely be submitted to the rest of the LTMS within six weeks. The Bodega Bay Marine Lab has received the material they need to complete the next phase of the herring study.
- Bill summarized the three symposia put on by the LTMS and noted that the symposia presentation slides and video are available on the LTMS website. He also listed the 2010 study priorities and noted the formation of the longfin smelt, green sturgeon, and fish behavior subcommittees. Jim asked how long the fish tracking tags last, and Bill responded that they typically last 4 to 5 years. Jim commented on the relevance of the type of study Doug Clarke proposed at the December 2009 symposia (on fish behavior during dredging operations), noting that the LTMS needs to ensure that their studies inform management decisions, not that they just conduct science. Brenda asked whether such a study would be conducted by ERDC or by a contractor. Bill responded that there is no guarantee that ERDC would be involved with this study.
- Bill informed the meeting participants that he recently heard that the Central Valley Regional Water Quality Control Board (CVRWQCB) is currently prohibiting decant water from dredged material placement sites from entering the Sacramento and Stockton Rivers due to methylmercury issues. He and Susan are meeting with the CVRWQCB to discuss this issue with the two deepening projects and maintenance

dredging. He noted that at this time, the CVRWQCB is requiring the water in the dredged material placement sites to evaporate or infiltrate.

SHORT TERM WORK GROUP

- Brenda will set up a doodle poll to identify a date and time that work for the next Short Term Work Group in the near future (likely in March). She provided updates on the end-of-the-year dredging projects, noting that most applicants got extensions that specified volumes. Generally, all of the projects finished within their extended time frame. Brenda appreciated that George Isaac organized a herring training for permit applicants within days of realizing one would be needed.
- Brenda informed the meeting participants that she is aiming to complete a Dredging 201 symposium this year. Bill noted that the contracting for this work is underway. Brenda noted that Len has already put together a draft agenda for the symposium.

CONFOUNDING FACTORS WORK GROUP

- Len noted that he would like to continue with the effort to make the Port of Oakland's Berth 10 a large rehandling facility. Debra added that Richmond is looking at using Berth 10 for its material.
- Jim noted that he was surprised to learn that some of the smaller dredging companies are no longer completing dredging work. He also asked whether it is possible to complete the permitting one year and then the Sampling and Analysis Plan the following year. Brenda responded that such a process is not currently legal because a Water Quality Certification is needed in order for BCDC to issue their permit. She added that this is a policy issue and may not be possible to change. Jim noted that the LTMS should discuss this to see if it is an issue and who it is affecting (most particularly, to assess the impacts it has on applicants without existing permits).
- Jim asked whether it is possible to get a list of all ongoing studies and subcommittees. Katie agreed to compile such a list and circulate it to the LTMS distribution list.
- The meeting participants scheduled their next Long Term Solutions Work Group meeting for Friday, April 23, from 1pm to 3pm at BCDC.

ACTION ITEMS

1. Katie to edit and distribute the Draft Work Plan.
2. Katie to set up a Doodle poll for selecting a date and time for the next meeting on revising the Draft Work Plan.

3. Jim to revise the table he passed out and submit it to Katie for inclusion in the revised Draft Work Plan.
4. Ellen to review Doug Clarke's presentation and present his risk assessment protocol at the next Short Term Work Group meeting.
5. Dick to assign a NOAA Fisheries staff member to present their risk assessment protocol at the next Short Term Work Group meeting.
6. Brenda to edit the herring letter (remove the last two sentences of the second paragraph on page 2 and to add more information on the future meeting being requested by the LTMS) and send it directly on to the Program Managers.
7. Bill to provide feedback to the Long Term Solutions Work Group on his meeting with the CVRWQB concerning their concerns with methylmercury and returning decant water from dredged material placement sites to the Sacramento and Stockton Rivers.
8. Brenda to set up a doodle poll for the next Short Term Work Group meeting.
9. Katie to compile and circulate a list of all ongoing LTMS studies and subcommittees.